

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, December 12, 2000  
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Rogers; present. \*Council Member Pisciotte absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Donita Payne-Hostetler gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of November 28, 2000, were approved 6 to 0. (Pisciotte absent)

\*Council Member Pisciotte present.

**OFF AGENDA ITEM.**

Motion -- carried

Pisciotte moved that an Item be taken up off the Agenda. Motion carried 7 to 0.

**MAYOR KNIGHT**

**RECOGNITION OF MAYOR KNIGHT.**

Mayor Knight was recognized for his National League of Cities recognition as Municipal Leader of the Year, and for his leadership topic "Undoing Racism."

**AWARDS AND PRESENTATIONS**

YOUTH SERVICE

Wichita's Promise – Youth Community Service Awards were presented.

**PUBLIC AGENDA**

Jacinta Clark – Parking for Semi-Trailers.

Jacinta Clark

Jacinta Clark spoke regarding an incident involving her brother-in-law's semi-trailer being towed from a private parking lot on which he had been given permission to park.

Ms. Clark proposed that the City of Wichita sponsor either new construction or renovation of a lot for parking of semi-trailers. A parking area would benefit the City of Wichita because trucks deliver products City residents use, and the truck drivers would be able to patronize local businesses and visit friends and relatives.

Council Member Lambke

Council Member Lambke told Ms. Clark that the subject of RV and truck parking is under study at the current time.

No further action was taken.

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## OFF AGENDA ITEM.

Motion -- carried

Knight moved that an Item be taken up off the Agenda. Motion carried 7 to 0.

## **LIBRARY NAMING**

### DISTRICT IV NEW LIBRARY NAMING COMMITTEE.

Motion --

Knight appointed Don Barry, Chairman; John Bell, Dick DeVore, Sharon Feary, Margalee Wright, Estela Martinez, and Carol Nazar to the District IV New Library Naming Committee, and moved that the appointments be approved. Motion carried 7 to 0.

-- carried

## NEW BUSINESS

### **IRB - CESSNA**

#### ISSUANCE OF INDUSTRIAL REVENUE BONDS – CESSNA AIRCRAFT COMPANY.

(Districts III and V)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-1181.

On February 5, 1991, City Council approved a Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$100 million, issued to Cessna Aircraft Company with a three- year term, and approved a five-plus-five-year 100% ad valorem tax exemption for property financed with bond proceeds. City Council approved an additional \$200 million to be issued over a three-year period on December 15, 1992, and another \$200 million on December 3, 1996. Bond proceeds were used to expand and equip facilities located on One Cessna Boulevard and 5800 E. Pawnee to accommodate the space required to develop and produce the four new business jet aircraft; Citation Jet, Citation VI, VII and X. Between 1991 and 1996 \$402 million IRBs were issued to Cessna Aircraft Company.

On June 8, 1999, City Council approved an additional five-year Letter of Intent in an amount not-to-exceed \$600 million and a 100% ad valorem tax exemption for property financed with the bond proceeds and issued \$65.8 million that same year. Bond proceeds are being utilized to expand and upgrade facilities, technology and manufacturing equipment to accommodate increased personnel and space required to develop and deliver Cessna's growing product line and volume of sales. The company is now requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$120 million.

Specific improvements at the Cessna One property, include renovations and upgrades to parts warehousing, aircraft completion, engineering, assembly, and the Pawnee facility manufacturing expansion. Equipment is also planned. The expanded facilities and upgraded equipment are primarily focused on the manufacture of the Citation CJ2 and Citation Sovereign models. Since 1997, Cessna created over 2,500 new jobs in Wichita.

The taxable Bonds will be privately placed with the company's principal bank. Cessna Aircraft Company has complied with the Standard Conditions contained in the City's IRB Policy.

Cessna Aircraft Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. City Council has approved a five-plus-five-year 100% ad valorem tax exemption on bond financed property.

Bond documents have been prepared by Hinkle Elkouri, bond counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that public hearing be closed and first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bond in an amount not-to-exceed \$120 million, be approved. Motion carried 7 to 0.

--approved.

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## ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable Industrial Revenue Bonds, Series X, 2000 (Cessna Aircraft Company), in the aggregate principal amount of not to exceed \$120,000,000 for the purpose of purchasing, acquiring, constructing and installing an industrial and commercial facility; authorizing execution of a Tenth Supplemental Trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas (successor trustee to Boatmen's National Bank (formerly Bank IV, National Association), Wichita, Kansas, as Trustee with respect to the Series X, 2000 Bonds; authorizing the City to lease said project to Cessna Aircraft Company; authorizing the execution of a Tenth Supplemental Lease by and between the City and Cessna Aircraft Company; authorizing the execution of a Third Supplement Site Lease and Subordination Agreement by and between Cessna Aircraft Company and the City; and authorizing the execution of a Bond Purchase Agreement by and between the City and Cessna Aircraft Company, as purchaser of the Bonds, introduced and under the rules laid over.

### IRB - BOMBARDIER

### ISSUANCE OF INDUSTRIAL REVENUE BONDS – BOMBARDIER LEARJET. (District V)

Council Member Cole

Council Member Cole declared a conflict of interest and abstained from participation.

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-1182.

On September 10, 1996, Council approved a five-year Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$86 million, issued to Bombardier Learjet. Council also approved a ten-year 100% ad valorem property tax exemption on bond financed property. Under authority of the 1996 Letter of Intent, City Council has authorized issuance of Industrial Revenue Bonds to Bombardier Learjet in the amount of \$12.24 million in 1996; \$9.59 million in 1997; \$5.7 million in 1998, and \$6.8 million in 1999. Bombardier Learjet is now requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$17,525,000, to finance its capital expenditures for the year 2000.

Proceeds from the sale of the 2000 bond issue will be used for the purpose of purchasing, acquiring, constructing, and equipping improvements and additions to existing facilities. Bond proceeds continue to be used to finance the expansion and upgrading of facilities accommodating increased personnel and space required to develop and produce four of Bombardier's business jet aircraft: the Learjet 31A, the Learjet 60, the Learjet 45, and the new continental jet.

Since City Council approval of the 1996 IRB Letter of Intent, Bombardier Learjet has added approximately 1,000 new jobs.

The law firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. Bombardier Learjet will purchase the bonds, as a result bonds will not be offered to the public. Bombardier Learjet has complied with the Standard Conditions contained in the City's IRB Policy.

Bombardier Learjet agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Approval of a ten-year 100% tax exemption on bond financed property was granted upon approval of the 1996 five-year Letter of Intent.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that the public hearing be closed and first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$17,525,000, be approved. Motion carried 6 to 0. (Cole abstained)

carried

## ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds in the aggregate principal amount not to exceed \$17,525,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Fourth Supplemental Trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee, with respect to the Bonds; prescribing the form and authorizing the execution of a Fourth Supplemental Lease Agreement by and between LearJet Inc., and the City; approving the form of a Guaranty Agreement, introduced and under the rules laid over.

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## IRB - COLEMAN

### ISSUANCE OF INDUSTRIAL REVENUE BONDS – THE COLEMAN COMPANY, INC. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-1183.

On August 10, 1993, City Council approved the issuance of a Letter of Intent for IRBs in an amount not to exceed \$80 million, issued to the Coleman Company, Inc. with a five year term, and approved a ten-year 100% property tax abatement for property financed with IRBs. Between 1993 and 1998, \$76 million IRBs were issued to finance the construction of a new corporate headquarters, the expansion of existing manufacturing facilities and the purchase of additional machinery and equipment for its manufacturing facilities in Wichita and Maize.

On October 19, 1999, City Council approved an additional four-year Letter of Intent in an amount not-to-exceed \$45 million and a 100% five-plus-five-year ad valorem tax exemption on bond financed property and issued \$5.3 million in December 1999. As a result of new product offerings, new tooling and manufacturing equipment was required in conjunction with their previous improvement project. The company is now requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$15,500,000.

Bond financed improvements will be used for the purpose of paying the cost of acquiring, constructing and installing the 2000 additions. The focus of the Coleman enhancement project is a structural factory redesign and retooling of the cooler product area. Significant research and development has been recently expended to design new coolers. The Coleman Company Inc.'s corporate headquarters is located at 2111 E. 37th Street North in northeast Wichita which houses manufacturing as well as research and development operations. A secondary location is Coleman's Beacon plant that is utilized to manufacture propane fuel containers and manufacture of machined parts located in Maize, Kansas. The Coleman Company, Inc., expects to add between 262 and 1,042 new jobs to their Wichita and Maize Plants during the six-year period covered by their Letter of Intent. Coleman exports 99% of its products out of the state of Kansas.

The Coleman Company, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 100% five-plus-five-year ad valorem tax exemption on the expansion project.

Bond documents have been prepared by Hinkle Elkouri, Bond Counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Rogers moved that the public hearing be closed and first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$15,500,000, be approved. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series VII, 2000 (The Coleman Company, Inc.), in the aggregate principal amount of not to exceed \$15,500,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Maize, Kansas and the City of Wichita, Kansas; prescribing the form and authorizing execution of a Seventh Supplemental Trust Indenture by and between the City and BNY Trust Company of Missouri, as Trustee, with respect to the Bonds; prescribing the form and authorizing execution of a Seventh Supplemental Lease Agreement by and between the City and the Coleman Company, Inc., approving the form of a Guaranty Agreement; authorizing the execution of a Bond Purchase Agreement by and between the City, and the Coleman Company, Inc., as purchaser of the Bonds, introduced and under the rules laid over.

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## IRB – BIG DOG

### ISSUANCE OF INDUSTRIAL REVENUE BONDS – BIG DOG MOTORCYCLES, L.L.C. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-1184.

On October 19, 1999, the City Council approved an eighteen-month Letter of Intent to issue Industrial Revenue Bonds for Big Dog Motorcycles, L.L.C., in the amount not-to-exceed \$2 million. In addition, the City Council approved a five-plus-five-year 100% tax exemption on all bond-financed portions of the project. Proceeds from the bond issue will be used to acquire, refurbish and equip the former Quality Chevrolet building at 1520 East Douglas in central Wichita. Big Dog Motorcycles was founded in Wichita 1992. The property is owned by Waterview Realty, L.L.C., which is 100% owned by Waterview Holdings, L.L.C. Waterview Holdings is a holding company owned by CD Investment Partners, L.P., the Coleman family's investment partnership. The partnership consists of various Coleman family Trusts, with Mr. Sheldon Coleman serving as CEO. Big Dog Motorcycles, L.L.C., is now requesting issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$2 million.

Big Dog Motorcycles originated as a small shop performing custom work for Harley Davidson motorcycles. Following its move to the present location at 140 North Ohio, Big Dog developed its own product designs and became a licensed manufacturer of high end, quality cruiser motorcycles. The business has expanded and currently has 50 dealers around the country. Big Dog Motorcycles has grown from one part-time employee to a national headquarters for 80 full-time employees in 1998. Sales have grown from \$434,000 in 1995 to \$18 million in 1999. In 1999, over 850 high-end motorcycles were manufactured in eight different models. The majority of the Big Dog sales are exports outside Kansas. As a result of rapidly increasing sales and strong sales projections, Big Dog has acquired and equipped a new national headquarters manufacturing facility in Wichita. Big Dog Motorcycles will create 35 new jobs in five years, in conjunction with the proposed project.

The firm of Froggatte & Company will act as Financial Advisor in the issuance of the bonds. The bonds will be privately placed with Waterview Realty, L.L.C, which will also act as Tenant, subleasing the project to Big Dog Motorcycles, L.L.C. Big Dog Motorcycles has complied with the Standard Conditions contained in the City's IRB Policy.

Big Dog Motorcycles agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's Business Incentive Policy, the City Council approved a five-plus-five-year 100% property tax exemption on all portions of the proposed project.

Bond documents have been prepared by Hinkle Elkouri City bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. Late in the transaction schedule, the Hinkle Elkouri firm advised that they had recently handled some work for Big Dog Motorcycles, L.L.C., including some 401K retirement plan work and amendments. Such retirement plan counsel relationships are ordinarily viewed as continuing engagements, because of the company's ongoing need for interpretive guidance and periodic plan amendments to comply with changes in the tax code. The City's IRB policy resolution would ordinarily preclude a firm serving the company in an ongoing engagement from acting as the City's Bond Counsel in a transaction with the company. After careful review, the Law Department recommends waiver of the conflict policy in this isolated case, because: a) it would not be possible to close the financing in 2000 if substitute Bond Counsel had to engaged; and b) the bonds are to be sold as bonds bearing taxable interest, and will be purchased by the Tenant itself, so that there is reduced likelihood of conflicts between the City and the Tenant and Subtenant on tax or securities law issued.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Council Member Lambke

Council Member Lambke spoke in opposition to the removal of property from the tax rolls.

Motion --

Rogers moved that the public hearing be closed; the isolated waiver of conflict policy and first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue bonds in an amount not-to-exceed \$2 million, be approved. Motion carried 6 to 1. (Lambke, no)

-- carried

## ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$2,000,000 aggregate principal amount of taxable Industrial Revenue Bonds, Series V, 2000 (Big Dog Motorcycles Project) for the purpose of providing funds to acquire, refurbish and equip an existing commercial facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Intrust Bank, N.A., as Trustee with respect to the

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Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Waterview Realty, L.L.C.; approving the form of a Guaranty Agreement; approving the sublease of the project to Big Dog Motorcycles, L.L.C.; authorizing the execution of a Bond Placement Agreement by and between the City and Waterview Realty, L.L.C., as purchaser of the Bonds, introduced and under the rules laid over.

## **IRB - DEAN & DELUCA ISSUANCE OF INDUSTRIAL REVENUE BONDS – DEAN AND DELUCA, INC.** (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-1185.

On June 6, 2000, the City Council approved a one-year Letter of Intent to issue Industrial Revenue Bonds for Dean & DeLuca, Inc., in the amount not-to-exceed \$5,445,000. In addition, the City Council approved a 100% tax exemption on all bond-financed improvements for a term of five years, plus an additional five years subject to City Council review, and a \$75,000 forgivable loan subject to the same terms and conditions as a \$125,000 loan being provided by the State of Kansas. Dean & DeLuca currently operate a customer service and distribution center located in north Wichita. The company is now requesting the issuance of City of Wichita Industrial Revenue Bonds in three series: Series IX-A, 2000, in the aggregate principal amount of \$2,760,000; Series IX-B, 2000, in the aggregate principal amount of \$660,724.38; and, Series IX-C, 2000, in the aggregate principal amount of \$1,568,751.

Dean & DeLuca, Inc. is a purveyor of gourmet and specialty foods, wines and kitchenware. In addition to five specialty markets, eight cafés and one wine store spread throughout the United States, bulk of sales are made through the company's Internet/Direct operations—comprised of a Website and mail order catalogues, with expected circulation of approximately thirteen million orders filled during the year 2000 from the distribution center in Wichita.

Dean & DeLuca's expansion project consists of a 52,000 square foot building addition at its facility located at 2526 E. 36th Street N. Circle. Dean & DeLuca have expanded the existing distribution facility of 32,000 to 84,000 square feet in order to meet projected sales growth for the Internet/Direct division. The expansion will be financed with proceeds of the Series IX-A, 2000, and Series IX-B, 2000 (subordinate) Bonds. The Series IX-C, 2000 Bonds will finance new equipment under a separate Lease. In addition, Dean and DeLuca has expanded and relocated its contact center to the Northrock Business Park located at 8200 E. 34th St. North, Building #2000. Dean & DeLuca have committed to hire at least 255 new employees within the next three years. Dean & DeLuca plans to privately place the Series IX-A, 2000 Bonds with a financial institution. Dean & DeLuca will purchase the Series IX-B 2000, and Series IX-C, 2000 Bonds.

Dean & DeLuca agree to pay all costs of issuing the bonds and to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's Business Incentive Policy, the City Council approved a 100% five-plus-five year tax exemption on property purchased with bond proceeds. The source of funding for the \$75,000 forgivable loan will be the Economic Development Trust Fund.

Bond documents have been prepared by Hinkle Elkouri, bond counsel for the project. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Rogers moved that the public hearing be closed and first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in three series: Series IX-A, 2000, in the aggregate principal amount of \$2,760; Series IX-B, 2000, in the aggregate principal amount of \$660,724.38; and, Series IX-C, 2000, in the aggregate principal amount of \$1,568,751, be approved. Motion carried 7 to 0.

-- carried

## **ORDINANCE**

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$2,760,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series IX-A, 2000 (Dean & DeLuca, Inc.) and \$660,724.38 aggregate principal amount of Subordinated Taxable Industrial Revenue Bonds, Series IX-B, 2000 (Dean & DeLuca, Inc.) for the purpose of providing funds to acquire a site and construct an addition to an existing distribution facility located in the City of Wichita, Kansas and the issuance of \$1,568,751 aggregate principal amount of Taxable Industrial Revenue Bonds, Series IX-C, 2000 (Dean & DeLuca, Inc.) for the purpose of providing funds to acquire certain equipment and to install said equipment in an existing call center and in the distribution center, all located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Trust Indenture by and between the

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City of Wichita, Kansas and Commerce Bank, N.A., as Trustee, with respect to the Series IX-A, 2000 Bonds and the Series IX-B, 2000 Bonds; prescribing the form and authorizing execution of a trust indenture by and between the City of Wichita, Kansas and Commerce Bank, N.A., as trustee with respect to the Series IX-C, 2000 Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City of Wichita, Kansas and Dean & DeLuca, Inc. with respect to the property financed by the Series IX-C, 2000 Bonds; approving the form of two separate Guaranty Agreements; authorizing the execution of a Series A Bond Replacement Agreement by and among the City of Wichita, Kansas, Dean & DeLuca, Inc., and Commerce Bank, N.A., as purchaser of the Series IX-A, 2000 Bonds; authorizing the execution of a Series B Bond Placement Agreement by and between the City of Wichita, Kansas and Dean & DeLuca, Inc., as purchaser of the Series IX-B, 2000 Bonds; and authorizing the execution of a Series C Bond Placement Agreement by and between the City of Wichita, Kansas and DeLuca, Inc., as purchaser of the Series IX-C, 2000 Bonds, introduced and under the rules laid over.

## BOEING COMPANY

### THE BOEING COMPANY – NON-ANNEXATION AGREEMENT EXTENSION.

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-1186.

The Boeing Industrial District was incorporated by Sedgwick County on September 10, 1980. On October 3, 1980, the City Commission entered into an agreement with the Industrial District. Under this agreement, the City agreed that it would not annex any lands in the Industrial District for a period of 20 years, the maximum allowed by state statute. The City extended this non-annexation agreement to the expansion of the district on August 12, 1983. Subsequent expansion of the district has been approved by the City but not placed under the non-annexation agreement.

On December 9, 1997, the City Council adopted a non-binding resolution expressing its support of the Boeing, Cessna, and Raytheon industrial districts and its intent to renew the non-annexation agreements when they expired. The Boeing non-annexation agreement has expired and the Boeing Industrial District is now seeking a renewal of the non-annexation agreement for the entire district.

The Boeing Industrial District consists of 835 acres included in the last non-annexation agreement and 114 acres added to the district but not yet included in a non-annexation agreement. Boeing is not asking for further expansion of the district at this time.

The supplemental agreement extends the non-annexation agreement for 20 years. The City agrees not to annex property in the district. Boeing agrees to the same conditions as in the prior agreement, including provisions on special assessments, easements, and drainage. The ordinance authorizes execution of the agreement in the manner provided by statute.

The current City budget has not projected property tax revenue from property located within the Boeing Industrial District. There would be no reduction in City tax revenue as a result of the extension of the agreement.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Knight moved that the extension of the non-annexation agreement with the Boeing Industrial District be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance authorizing the execution of a Supplemental Contract to Contracts dated October 3, 1980, and August 12, 1983, by and between the City of Wichita, Kansas, and The Boeing Industrial District of Sedgwick County, Kansas, relating to the annexation by said City of any part of such Industrial District, introduced and under the rules laid over.

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## **LAW ENFORCE GRANT LOCAL LAW ENFORCEMENT BLOCK GRANT.**

Council Members Rogers left the Bench.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 00-1187.

In September, 2000, the City was again notified it is eligible to receive Local Law Enforcement Block Grant funding for the Year 2000. This federal award of \$481,085, as approved, will be the City's fifth Local Law Enforcement Block Grant. The Local Law Enforcement Block Grant program requires a 10 percent local match. The City Council authorized the Police Department on August 1, 2000, to use \$53,454 in Narcotics Seizure funds for matching purposes. The total project budget will be \$534,539.

The LLEBG agreement states that before any obligation or expensing of funds can occur, an advisory committee must be established and allowed to provide non-binding recommendations toward obligating and/or expensing of such funds. On November 29, 2000, the Advisory Board convened to make non-binding recommendations on the use of 2000 Block Grant funds. During the meeting, the Board approved the 2000 Block Grant funding as follows: \$41,310 for the City Manager's Youth Coordinator project, \$137,133 for Municipal Court Service Officers, and \$356,096 for the Police Department, which will be used toward the purchase of a new helicopter.

The 2000 grant funding is \$481,085 from the Local Law Enforcement Block Grant program. The local match for the grant will be funded from Narcotics Seizure funds, which has sufficient funding to cover local match requirements.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Gale moved that the public hearing be closed; receipt and use of funds be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Rogers, absent)

Council Member Rogers present.

## **WATER RATE ADJ.**

### **WATER AND SEWER RATE ADJUSTMENTS.**

David Warren

Water and Sewer Department Director reviewed the Item.

Agenda Report No. 00-1188.

The adopted 2001/2002 Annual Budget included a five-percent (5%) adjustment in water rates and sewer rates for the year 2001, effective January 1, 2001.

The recommended adjustments are needed for capital investments for system improvements associated with the development of future water supply sources, expanding distribution systems, construction of new sewage treatment facilities, and rehabilitating sewage collection pipelines.

Major system improvements in progress (or planned) for the Water Utility over the next two years include:

- ? Continued development of the City's water supply (\$15.42 million)
- ? Repairs and improvements to the 48-inch and 66-inch raw water supply lines (\$14.7 million)
- ? Replacement of 2-inch water lines (\$8 million)
- ? Improvements to the East Pressure Zone (\$6.2 million)
- ? Completion of the Northeast Transmission Facility (\$2 million)

Major improvements in progress, or planned, for the Sewer Utility over the next two years include:

- ? Construction of new sewage treatment plant in northwest Wichita (\$19.5 million)
- ? Relocation and reconstruction of the 54-inch sewer main in I-135 between Pawnee and English (\$11.4 million), and the 36-inch main at the Union Pacific Railroad crossing and Pawnee (\$4.2 million)
- ? Improvements at Sewage Treatment Plant 2 (\$11 million)
- ? Reconstruction of targeted sanitary sewers throughout the City (\$6.9 million)
- ? Reconstruction of the War Industries Interceptor Sewer (\$6 million)
- ? Acquisition of land for additional sewage treatment plants (\$5 million)
- ? Improvements in sewer service in the northeast (\$1.5 million)



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In 1992, the City Council adopted a Financial Management Plan for the Water and Sewer Utilities that included funding approximately thirty-percent (30%) of capital expenditures with cash and seventy-percent (70%) with bond financing. Both utilities plan larger-than-average capital expenditures over the next few years, followed by smaller-than-average expenditures; therefore, Staff proposes increasing the amount of expenditures to be bond financed in the short-term, followed by higher cash financing once the major projects are completed. Adoption of these rates involves a slight departure from the Financial Management Plan.

The proforma for the Water Utility includes a five-percent (5%) water rate increase in 2000, as well as rate increases of five-percent (5%) in subsequent years. The proforma for the Sewer Utility includes a five-percent (5%) rate increase in the year 2000, with rate increases of eight-percent (8%) in subsequent years. Cash funding of CIP projects will be adjusted as expenditures fluctuate, in order to maintain the a positive financial position.

Financial proformas reflect the current and projected financial position of the City's Water and Sewer Utilities for the next ten years. At projected average annual revenues from water sales of \$25 million, expected annual revenue receipts from each one-percent (1%) rate increase will total \$250,000. A five-percent (5%) rate increase would be expected to produce additional revenues of \$1.25 million in 2001, and in each subsequent year, plus increases from the adjusted base in each subsequent year.

The sewer utility has projected average annual revenues of about \$22 million. Expected average annual revenue receipts from each one-percent (1%) rate increase will total \$230,000; a five-percent (5%) increase would be expected to produce additional revenues of \$1.15 million in 2001, and succeeding years, plus increases from the adjusted base in each subsequent year.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Pisciotta moved that the increase in water and sewer rate adjustments for 2001, be approved and the Ordinances be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas, pertaining to schedule of rates and charges for water service, and repealing the original of said section, introduced and under the rules laid over.

## ORDINANCE

An Ordinance amending Section 16.14.040 of the Code of the City of Wichita, Kansas, relating to the schedule of rates for users of the sanitary sewer system, and repealing the original of said Section, introduced and under the rules laid over.

(The City Council took the following Item up later in the meeting; action is shown in Agenda order.)

## CONDEMNATION

**REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES – 915 EAST 9<sup>TH</sup> STREET.**  
(District I)

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 00-1189.

On October 24, 2000 a report was submitted with respect to the dangerous and unsafe conditions on one (1) property. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 11:00 a.m. on December 12, 2000.

On October 2, 2000, the Board of Code Standards and Appeals (BCSA) held a hearing on the following property:

Property Address  
915 East 9<sup>th</sup> Street

Council District  
I

Pursuant to State Statute the Resolution was duly published twice on October 25, 2000 and November 1, 2000. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

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Staff recommendation is ten-days to commence and ten days to complete demolition.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Steve Dockers

Steve Dockers, Round Tree, L.L.C., said he had not yet received title to the property and requested four to six months to complete repairs.

Motion --

Rogers moved that the public hearing be closed, the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official City paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. R-00-420

A Resolution finding that the structure located on Lots 6 and 7, on Stover Street, now 9th Street, Dawson's Addition to Wichita, Sedgwick County, Kansas, commonly known as 915 East 9<sup>th</sup> Street, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Rogers moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## C & D LANDFILL

### C & D LANDFILL – SELECTION OF OPERATING CONTRACTOR.

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 00-1190.

City Council has previously approved the solicitation of proposals from Contractors who could develop and operate a construction and demolition waste stream landfill that would be open to the general public and would be available for the City to use for disposal of these types of waste. Request for Proposals were solicited on September 30, 2000.

Proposals were received on October 23, 2000 from:

- ? Cornejo and Sons, Inc.
- ? Victor B. Eisenring
- ? Ritchie Corporation / Wood Recycle and Composting Center, Inc.
- ? Herzog Environmental, Inc.
- ? City of Wichita Public Works Department

The Staff Screening and Selection Committee (SSSC) met on October 27, 2000 to evaluate the proposals. The Committee recommended that Herzog Environmental, Inc. be named as the preferred developer and operator of a C&D landfill at Brooks Sanitary Landfill. The Committee found this proposal to best meet the needs of the City and the general public.

City Council has three options:

1. Designate Herzog Environmental Inc. as the preferred developer and authorize staff to negotiate the necessary contract terms/conditions
2. Direct staff to develop a City of Wichita-operated site, including the purchase of required equipment and personnel
3. Take no action.

--Option #1 is the recommend alternative.

--Option #2, while workable, may not result in as economical or efficient operation as Option #1.

--Option #3 will result in: (1) the loss of revenue to pay for existing solid waste management programs/services (indigent trash collection, neighborhood clean up, and alley cleanup); (2) an increase in the cost to the City in an amount of approximately \$1,760,000/year for disposal of City generated C&D waste; and (3) potentially higher cost of disposal for the public for C&D waste because of a loss of competition to control prices.

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The Herzog proposal provides for:

- ? The City to dispose of C&D waste to the site at no cost,
- ? Public use of the site at a fee (less than the current landfill tipping fee),
- ? Payment (by the contractor-operator) of a fee to the City to cover closure and post closure costs, and pipeline relocation, and
- ? Net revenues of \$300,000 to provide for the operation of current solid waste management programs (indigent trash collection, neighborhood clean up, and alley cleanup).

The financial objectives of the City establishing a C&D landfill are to provide a:

1. Revenue stream from solid waste processing to pay for the three existing solid waste programs listed above
2. Disposal alternative for City generated C&D waste that will not increase current City costs.

Today, the City disposes of C&D waste at the Brooks Landfill at no charge to the City residents. If the City had to dispose of this waste at the current tipping fee of the nearest private C&D landfill the cost increase to the City in an average year would be approximately \$1,760,000.

The general public will benefit by the City's establishment of a C&D landfill because this will ensure that there is competition in the market place to keep prices as low as possible.

Once a recommended contractor is approved by the City Council, a contract will be negotiated between the City and the selected contractor. The Law Department will approve all documents prior to being presented for final consideration by the City Council.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Lambke moved that Herzog Environmental Inc. be selected as the contractor to operate a construction and demolition waste landfill at the Brooks site; and Staff be authorized to negotiate the Contracts for approval by the City Council. Motion carried 7 to 0.

-- carried

## CITY COUNCIL AGENDA

### **APPOINTMENTS**

### **BOARD APPOINTMENTS.**

Motion --

Pisciotta appointed Dave Babich to the Comprehensive Plan Community Advisory Committee and moved that the appointment be approved. Motion carried 7 to 0.

-- carried

### **PROCLAMATIONS**

### **PROCLAMATIONS PREVIOUSLY APPROVED WERE PRESENTED.**

Motion -- carried

Knight moved that the Proclamations be authorized. Motion carried 7 to 0.

## CONSENT AGENDA

Knight moved that the Consent Agenda, except Item 29, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

### **BOARD OF BIDS**

### **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED DECEMBER 11, 2000.**

Bids were opened December 1 and December 8, 2000, pursuant to advertisements published on:

2001-01 wheelchair ramp and sidewalk - Phase 3 - north of 47th Street South and east of 135th Street West. (472-83270/706806/200280) Traffic to be maintained during construction using flagpersons and barricades.

Williamson Construction - \$298,000.00 (Engineer's estimate)

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Lateral 4, Main 2, Cowskin Interceptor Sewer, Auburn Hills 12th Addition - west of 135th Street West, south of Maple. (468-83178/743859/480547) Does not affect existing traffic. (District V)

Utility Contractors - \$160,990.00

Water distribution system in Fairview from 33rd Street North to 34th Street North to serve Jones Park Addition - east of Arkansas, south of 37th Street North. (448-89451/734957/470627) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Ditch Diggers - \$22,155.00

2001 condemned sidewalks and wheelchair ramps - Phase I - at various locations. (01\_132100\_1 /132100/) Traffic to be maintained during construction using flagpersons and barricades.

\$161,580.00 - Kansas Paving Company (Engineer's estimate)

2001 utility cut repair of streets, driveways and sidewalks - at various locations. (01\_132035/132035/) Traffic to be maintained during construction using flagpersons and barricades.

Cornejo & Sons Construction - \$1,199,700.00 (Engineer's estimate)

Water Main Replacement in the Riverside Neighborhood - generally between the Arkansas River and the River from Pine to 18th Street. 448-89413/636094 /769674. Traffic to be maintained during construction using flagpersons and barricades. (District VI)

BRB Contractors - \$1,429,418.17

NE Transmission Line Phase 2C - south of 21st St. North., east of Rock Road. (448-89467/632542/750215) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Wildcat Construction - \$1,151,570.00

Reconstruct a portion of Sanitary Sewer #22 from STP #1 to north of Pawnee - east of Hydraulic, south of Pawnee. (468-82834/623322/658324) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$490,046.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Neighborhood Facilities Renovation. (602303)

Caro Construction Co. Inc.   \$832,011.00 (Total base bid)  
                                      \$ 90,056.00 (Add alternates 1-9)  
                                      \$922,067.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Police Cars. (083204)

Davis Moore Chevrolet Inc. - \$18,311.33 (Group 2 unit cost)  
                                      \$ 172,00 (Option 1/per each)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Storm Sewer Rehab – 12th Street and Topeka) (660460)

W B Carter Construction Co. - \$92,631.00 (Group 1/Total net bid)

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PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Storm Sewer Extension  
Eisenhower and Third Street. (660457)

W B Carter Construction Co. - \$22,046.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Storm Sewer Ext., Murdock  
and Lorraine. (660458)

W B Carter Construction Co. - \$146,310.00 (Total net bid)

WATER DEPARTMENT/WATER DISTRIBUTION DIVISION: Trailer Mounted 185 CFM Air Compressor.  
(183301)

Concrete Accessories Co., Inc. - \$11,668.00 (Total base bid with Options 1,2,3,4)

AIRPORT AUTHORITY/AIRPORT OPERATIONS DIVISION: Square D Portable Circuit Monitor. 190025)

Kriz Davis Co. - \$10,300.00 (Total net bid)

PARK DEPARTMENT/PARK MAINTENANCE DIVISION: Herbicides. (173781)

Vegetation Management Supply Inc. - \$4,669.28 (Group 1)

BWI Springfield - \$8,576.70 (Group 2)

Vegetation Management Supply Inc. - \$4,654.80 (Group 3)

Pueblo Chemical & Supply Co. - \$5,529.60\* (Group 4)

\*Tie Bid determined by draw

WATER DEPARTMENT/SEWAGE TREATMENT DIVISION: Moyno Rotor and Stator. (184119)

Lee Mathews Equipment Inc. - \$15,799.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDING DIVISION: Expo Hall Rooftop Unit Renovation.  
(792028)

Piping & Equipment Co., Inc. - \$211,990.00 (Total base bid negotiated)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the  
necessary signatures be authorized. Motion carried 7 to 0.

## CMB LICENSES

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
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Mon Fee Wong	Golden Dragon Restaurant*	6100 East 21st Street #180
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(Consumption off Premises)

John G. Harmon	Casey's General Store #1860	5562 South Seneca
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\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

## DEEDS/EASEMENTS

### DEEDS AND EASEMENTS:

a) Easement dated November 7, 2000 from Sonar Sangam, Inc. for a tract of land in Lot 2, Block 3, South  
Broadway Industrial Park, Wichita, Kansas (Private Project, OCA #607681). No cost to City.

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- b) Sidewalk Easement dated November 13, 2000 from USD 259 for a tract of land in Lots 7 through 14, Humphrey's Addition, an Addition to Sedgwick County, Kansas (Seneca, Maple to McLean, OCA # 706747). No cost to City.
- c) Dedication dated November 13, 2000 from USD 259 for a tract of land in Lots 7 through 14, Humphrey's Addition, an Addition to Sedgwick County, Kansas (Seneca, Maple to McLean, OCA # 706747). No cost to City.
- d) Drainage Dedication dated November 29, 2000 from J. W. Russell, President J. W. Russell Construction Co., Inc. for a tract of land in Reserve "B", Park West Plaza, an Addition to Wichita, Kansas. (Private Project, OCA #607861). No cost to City.
- e) Sanitary Sewer Easement dated November 1, 2000 from the Don F. Reed Family Trust, Advantage Trust Company, for a tract of land in Lots 31, 33 and 35, Spring Grove 2nd Addition, Sedgwick County, Kansas (Phase 4 Sanitary Sewer Reconstruction, OCA #620295). No cost to City.
- f) Sanitary Sewer Easement dated November 10, 2000 from Cessna Aircraft for a tract of land in the Southeast Quarter of Section 3, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Lat. 459, SWI, OCA #743855). No cost to City.
- g) Dedication dated July 6, 2000 from Home Depot, USA, Inc., for a tract of land in Lot 1, Block 1, Carriage House plaza Fourth Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- h) Dedication dated July 19, 2000 from K-DA, Inc., for a tract of land in Lot 4, Block 1, Carriage House Plaza Fourth Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- i) Dedication dated July 6, 2000 from BBK, LLC, for a tract of land in Lot 3, Block 1, Carriage House plaza Fourth Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.

Motion --

-- carried

Knight moved that documents be received and filed and the necessary signatures be authorized. Motion carried 7 to 0.

## PLANS AND SPECS.

### SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

## STATEMENTS OF COST STATEMENTS OF COST:

- a) Improving Limuel from the north line of the plat, south to and including the cul-de-sac to serve Auburn Hills 10th Addition, (south of Maple, east of 135th Street West). Total Cost - \$44,406.48 (plus idle fund interest - \$1,260.02, plus temporary note interest - \$1,237.50). Financing to be issued at this time - \$46,904.00. (765638/472-83242/490-749).
- b) Improving Suncrest from the west line of Westridge Village Addition to the west line of Holland Lane to serve Lots 7 through 13, Block E, Westridge Village Addition, (north of 13th Street North, west of Ridge Road). Total Cost - \$46,417.15 (less idle fund interest - \$98.15, plus temporary note interest - \$1,375.00). Financing to be issued at this time - \$47,694.00. (762765/472-82504/490-379).
- c) Improving Oak Ridge Circle, from the east line of Tyler to include the cul-de-sac, serving Lots 2 through 14, inclusive, Block 1, Oak Ridge 2nd Addition, (north of 29th Street North, east of Tyler Road). Total Cost - \$92,108.84 (plus idle fund interest - \$4,842.66, plus temporary note interest - \$2,502.50). Financing to be issued at this time - \$99,454.00. (765603/472-82834/490-714).
- d) Improving Maple Dunes Court to serve Maple Dunes Addition, (north of Maple, east of 135th Street West). Total Cost - \$44,057.88 (plus idle fund interest - \$2,308.62, plus temporary note interest - \$1,237.50). Financing to be issued at this time - \$47,604.00. (765616/472-82831/490-727).
- e) Improving Chateau; Mount Vernon; Smithmoor Streets and Leanne Lane to serve Smithmoor Ninth Addition, (south of Harry, west of Greenwich Road). Total Cost - \$253,593.55 (plus idle fund interest - \$15,665.95, plus temporary note interest - \$7,012.50). Financing to be issued at this time - \$276,272.00. (765599/472-83107/490-710).

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- f) Improving Decel and Left Turn Lane in 21st Street North from the Northwest Corner of Lot 1, Block 1, to the northeast corner of Lot 1, Block 1, to serve Legacy Park Wilson Estates Addition, (south of 21st Street North, west of Webb Road). Total Cost - \$106,641.27 (plus idle fund interest - \$3,317.73, plus temporary note interest - \$3,025.00). Financing to be issued at this time - \$112,984.00. (765632/472-83231/490-743).
- g) Improving 151st Street West from the north line of US 54, north to the north line of Hendryx, to serve Reece Farms Estates and Auburn Hills 5th Addition, (north of Kellogg, east of 151st Street West). Total Cost - \$196,708.81 (plus idle fund interest - \$4,651.51, plus temporary note interest - \$14,020.68). Financing to be issued at this time - \$215,381.00. (764944/472-82904/490-596).
- h) Improving Regency Lakes; Mainsgate; Brandon; Regency Lakes Court; Mainingate Court and Brandon Circle to serve Regency Lakes Addition, (north of 21st Street North, west of Greenwich Road). Total Cost - \$373,777.07 (plus idle fund interest - \$13,549.43, plus temporary note interest - \$10,312.50). Financing to be issued at this time - \$397,639.00. (765620/472-82812/490-731).
- i) Improving Jewell Circle; Rita; and Rita Court to serve Lindsay's Orchard Addition, (north of Pawnee, west of Maize Road). Total Cost - \$135,743.07 (plus idle fund interest - \$7,502.43, plus temporary note interest - \$3,712.50). Financing to be issued at this time - \$146,958.00. (765617/472-83189/490-728).
- j) Improving Hickory Creek; Harvest Lane; and Harvest Lane Courts to serve Hickory Creek Estates, (south of 13th Street North, west of 119th Street West). Total Cost - \$288,390.74 (plus idle fund interest - \$16,129.76, plus temporary note interest - \$7,837.50). Financing to be issued at this time - \$312,358.00. (765614/472-83183/725).
- k) Improving Georgia; Gilda; 42nd Street South and Sidewalk to serve Wheatland Addition, (south of MacArthur, west of Hoover). Total Cost - \$112,847.97 (plus idle fund interest - \$5,995.53, plus temporary note interest - \$3,162.50). Financing to be issued at this time - \$122,006.00. (765612/472-83076/490-723).
- l) Improving Pawnee Court to serve Lots 1 through 12, Block 1, Wilderness at the Park, (south of Pawnee, east of Maize Road). Total Cost - \$77,080.28 (plus idle fund interest - \$4,340.72, plus temporary note interest - \$2,090.00). Financing to be issued at this time - \$83,511.00. (765597/472-82385/490-708).
- m) Improving Zelta/Laguna; Laguna Court; Zelta Courts and Sidewalk to serve Woodland Lakes Estates 2nd Addition, (north of Harry, east of Greenwich Road). Total Cost - \$402,384.56 (plus idle fund interest - \$13,184.70, plus temporary note interest - \$15,075.74). Financing to be issued at this time - \$430,645.00. (765570/472-83073/490-681).
- n) Improving Patterson from the west line of Broadway to the east line of Henry Jones Addition to serve Bromilow's Addition and Unplatted Tracts, (south of 31st Street South, west of Broadway). Total Cost - \$130,570.79 (less Storm Water Utility Funds - \$30,000.00, less idle fund interest - \$1,395.61, plus temporary note interest - \$7,590.82). Financing to be issued at this time - \$106,766.00. (764381/472-82851/490-541).
- o) Improving 36th Street North from the east line of Lot 7, Block 1 to the west line of Ridgewood, and on Ridgewood from the south line of 37th Street North to the south line of 36th Street North to serve Great Plains Business Park 2nd Addition, (south of 37th Street North, east of Oliver). Total Cost - \$254,463.72 (plus idle fund interest - \$8,378.28, plus temporary note interest - \$6,875.00). Financing to be issued at this time - \$269,717.00. (765618/472-83187/490-729).
- p) Improving Brentwood from the north line of Clark to the south line of Mount Vernon to serve Mayberry Addition; Mount Vernon Heights Addition and Unplatted Tract, (south of Mount Vernon, west of Oliver). Total Cost - \$61,600.00 (plus idle fund interest - \$2,703.50, plus temporary note interest - \$1,677.50). Financing to be issued at this time - \$65,981.00. (765595/472-83100/490-706).
- q) Improving Holyoke from the north line of 25th Street North to the south line of 26th Street North to serve College Crest Addition, (south of 29th Street North, east of Hillside). Total Cost - \$79,057.14 (plus idle fund interest - \$3,993.86, plus temporary note interest - \$2,200.00). Financing to be issued at this time - \$85,251.00. (765571/472-83079/490-682).
- r) Improving Alley between Broadway and Topeka, from the north line of English to the south line of William and Sanitary Sewer Relocation to serve English Addition, (south of Douglas, east of Broadway). Total Cost - \$66,111.34 (plus idle fund interest - \$4,929.76, plus temporary note interest - \$2,473.90). Financing to be issued at this time - \$73,515.00. (762252/472-82404/490-328).

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Motion -- carried

Knight moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

## WATER SYSTEM

### SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE NEWMARKET SQUARE ADDITION – NORTH OF 21ST, WEST OF MAIZE. (District V)

Agenda Report No. 00-1191.

The Petitions have been signed by two owners, representing 100% of the improvement districts.

These projects will provide sanitary sewer and water service to a new commercial development.

The Petitions total \$198,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

#### RESOLUTION NO. R-00-421

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89525 (north of 21<sup>st</sup> Street, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

#### RESOLUTION NO. R-00-422

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 1, Northwest Interceptor Sewer, (north of 21<sup>st</sup> Street, west of Maize) 468-83188, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## BOARDS MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Electrical Appeals	10-12-2000
Board Of Health	10-12-2000
Board Of Park Commissioners	10-16-2000
District Advisory Board VI	09-20-2000
District Advisory Board VI	10-02-2000
District Advisory Board VI	10-18-2000
District Advisory Board VI	11-06-2000
Metropolitan Area Planning Commission	10-19-2000
Wichita Airport Advisory Board	08-07-2000
Wichita Employees' Retirement System	10-18-2000

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

## STREET CLOSURES

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

## LAWRENCE-DUMONT

### CONTRACT - LAWRENCE-DUMONT STADIUM IMPROVEMENTS AND MODIFICATIONS. (District VI)

Agenda Report No. 00-1192.

In August 1999, the City Council approved Resolution No. R-99-878 authorizing various repairs and modifications to Lawrence-Dumont Stadium to maintain the stadium structure and to comply with the team training facilities contract requirements of the Royal's baseball organization.

A Request for Proposal (RFP) was sent to Design/Construction firms to design and build an enlarged weight training room and a manager's training room addition to the west end of the team clubhouse. Four firms responded



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and two were interviewed. Wichita Baseball Inc. representatives and the assigned Public Works project manager interviewed two of the four firms. The team of Sutherland Builders Inc./Randal Steiner Architect was selected due to their understanding of the project's requirements and their bid cost.

The 2001 CIP (PB-9225, OCA No. 792051) has a remaining balance of \$246,000 budgeted for Lawrence-Dumont Stadium Improvements and Modifications. The Contract for design and construction services, including reimbursable expenses, will not exceed \$82,400.00.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **SUPPLEMENTAL AGREEMENT- CONSTRUCTION ENGINEERING, LANDSCAPING MAPLE (MAIZE TO 135TH STREET WEST).** (District V)

Agenda Report No. 00-1193.

On February 9, 1999, the City entered into an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) for the design of Maple from Maize to 135th Street West. The fee was \$156,000. On October 12, 1999, the City Council approved Supplemental Agreement Number 1 which required SRB to design a sixteen-inch water line in Maple between Maize and 119th. The fee was \$3,500. On June 27, 2000, the City Council approved Supplemental Agreement Number 2 which required SRB to design a new bridge on Maple between 135th West to 119th West. The fee was \$43,605.

The proposed Supplemental Agreement between the City and SRB provides for construction engineering services for the landscaping on Maple from Maize to 119th Street West. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$3,100 and will be paid by General Obligation Bonds.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **VICTIMS' RIGHTS**

## **CONTRACT - CORRECTIONAL COUNSELING OF KANSAS – VICTIMS' RIGHTS PROGRAM.**

Agenda Report No. 00-1194.

Kansas law requires that municipalities provide notice to crime victims of certain court proceedings in conformity with the Victim's Bill of Rights contained in the Kansas Constitution and statutes. The City of Wichita has adopted Resolution. No. R-93-327 to implement these notification requirements. For the past year, the services to implement this resolution have been provided to the City of Wichita through a contract with Correctional Counseling of Kansas, which contains an option to renew for one additional year. In order to bring this contract in line with the calendar (and budget) year, Staff have requested a modification to make this particular renewal span a fourteen-month term, from November 1, 2000 to December 31, 2001.

Correctional Counseling of Kansas is amenable to the requested modification, and also seeks a change in compensation amounting to an increase of \$1,500 for a twelve month period (\$1,750 for the 14-month period). This modification has been included in the contract, together with an increase in the overall amount to reflect the 14-month term, and certain adjustments to reflect changes in Data Center charges since the contract budget was last revised.

Funds for the contract amount, with the exception of the \$1,750 increase, have been spread in the contractual and Data Center charges of the Department of Law budgets for 2000 and 2001, for purposes of paying for the services to be provided under the contract. It is anticipated that the \$1,750 will be funded from savings in other General Fund activities.

Motion --  
-- carried

Knight moved that Agreement/Contract, including necessary budget adjustments or fund transfers, be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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## ANDOVER

### ANDOVER INTER-LOCAL AGREEMENT – AUTHORIZATION OF CAPITAL EXPENDITURES FOR WATER LINES.

Agenda Report No. 00-1195.

The current City of Wichita ordinances for Water and Sewer rates include outside the City rates that are 55% higher than City rates. The City of Wichita currently supplies water to a large number of citizens in the City of Andover at outside the city rates. Andover's population continues to increase along with their demand for water.

The Cities of Wichita and Andover propose to cooperate for the benefit of both parties in the construction of water system improvements. The projects, when completed, will provide additional revenue for the City and allow growth and a quality water supply for the City of Andover.

Project A: Approximately one mile of 30-inch water main and appurtenances along 21st Street, from 143rd Street east to 159th Street.

Project B: Approximately 1,000 lineal feet of 16" water main and appurtenances along 21st Street, eastward from 159th Street

Project C: Approximately one-half mile of 24-inch water main and appurtenances along 159th Street, southward from 21st Street.

All engineering, contract document preparation, project letting, construction administration, and inspection will be performed by the City of Wichita.

The total cost of projects A, B and C is estimated to be \$1,220,000. Costs related to project A shall be the responsibility of the City of Wichita: Total Cost \$800,000. Costs related to Project B shall be the responsibility of the City of Andover: Total cost \$85,000. The costs for 8-inch water main and appurtenances along 159th Street (southward from 21st Street) shall be the responsibility of the adjacent land developer. The City of Wichita and the City of Andover shall equally share the differential cost between the equivalent 8-inch water main and appurtenances and the actual 24-inch water main and appurtenances for Project C: Total Cost \$335,000. The City of Wichita's share will be \$116,500.

City staff proposes creating W-898, with a budget of \$1.22 million, by transferring the 2001 budget for W-525 of \$1.4 million to W898 and reducing it by \$180,000. In addition, the City of Andover will reimburse Wichita for associated expenses in the amount of \$313,500, further reducing the City's CIP expenditures. In addition, the cost of W-860, scheduled for 2006, will be reduced from \$900,000 to \$450,000, as W-898 will build one half of that project: Total CIP savings of \$943,500.

Motion --  
-- carried

Knight moved that the Agreement/Contract, the proposed City's obligation, and the capital expenditure for W898 be approved; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

#### RESOLUTION NO. R-00-423

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the Water and Sewer Utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$920,000 exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## CHENEY MOU

### MEMORANDUM OF UNDERSTANDING – CHENEY WATERSHED.

Agenda Report No. 00-1196.

Cheney Reservoir is one of Wichita's major sources of water providing approximately 60% of Wichita's annual water supply. Cheney will play a larger role in meeting Wichita's water supply needs in the future. Since 1993, the City has been participating in a program to encourage the implementation of projects that will reduce pollution entering the reservoir. Participation includes the concept of the City assuming part of the cost-share necessary to allow landowners to implement "best management practices" in the watershed. On October 13, 1998, the City Council approved an MOU to fund a public relations/education position to assist the CMC.

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The Cheney Watershed Improvements project has been one of the most successful partnerships in the nation. This program has resulted in several national awards. Over 1,800 projects have been completed in the watershed resulting in a reduction in taste and odor in drinking water. The success of the project can be attributed to the work of the CMC, composed of people living and working in the watershed, who have worked diligently to achieve the improvement in the watershed.

Tasks of the staff position working with the CMC have included:

- ? Working directly with producers to complete projects recommended in the Watershed Implementation Plan
- ? Assisting the CMC at informational meetings and following up with with producers
- ? Assisting producers in determining the profitability of new practices
- ? Assisting in the creation of newsletters and media contacts
- ? Assisting in the preparation of grant requests

The position being funded has been successful in increasing interest in the watershed project, the number of projects completed in the watershed, and consequently, impacting the water quality in the reservoir. Previously, there have been no funding sources available through other agencies and the City has provided all funding for the position. This year the Kansas Department of Health and Environment has offered to provide approximately thirty-six percent (36%) towards the cost.

The cost of the position is not to exceed \$36,000 in 2000. The City will provide \$23,500 and KDHE will provide \$13,000. Funds are available in CIP W-500, Cheney Watershed Protection Plan, which has \$300,000 allocated for this project in 2001.

Motion --  
-- carried

Knight moved that Memorandum of Understanding be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## PROFESSIONAL SER.

### **PROFESSIONAL SERVICES – SUPPLEMENTAL AGREEMENT – MCDONALD, TINKER, SKAER, QUINN & HERRINGTON, P.A.**

Agenda Report No. 00-1197.

The City has retained the law firm of McDonald, Tinker, Skaer, Quinn & Herrington, P.A. in connection with ongoing and expected litigation matters and related assignments involving alleged police misconduct and civil rights liability of the City.

The original contract has expired and it has become necessary to renew the contract to continue the representation of the City by McDonald, Tinker, Skaer, Quinn & Herrington, P.A. in these matters.

The amount of the contract is \$25,500 and is necessary to continue representation of the City in these cases. The charges are reasonable in amount for the legal services involved. Payment will be from the tort claims fund.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## PROFESSIONAL SER.

### **PROFESSIONAL SERVICES SUPPLEMENTAL AGREEMENTS - DUNCAN & ALLEN, AND TRIPLETT WOOLF & GARRETSON.**

Agenda Report No. 00-1198.

The City has undertaken a number of strategies to pursue the goal of reduction of electrical rates. The City is actively participating in cases before the Kansas Corporation Commission and the Federal Energy Regulatory Commission. The City has used the services of the law firms of Duncan & Allen and Triplett, Woolf & Garretson, LLC (Timothy McKee) to provide legal advice and assistance in electrical strategies and electrical rate proceedings under prior contracts for legal services.

These Supplemental Agreement provide the continued authority for the services of the firms of Duncan & Allen and Triplett, Woolf & Garretson for electrical power advice and representation in electrical proceedings, including the Western Resources rate case. The agreements also cover the cost of services of expert witnesses and related expenses necessary for these proceedings.

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The Supplemental Agreement for Duncan and Allen is for a not-to-exceed sum of \$400,000. The Supplement Agreement for Triplett, Woolf & Garretson is for a not-to-exceed sum of \$50,000. Payment for these services can be offset through underexpenditures in other 2000 General Fund appropriations.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DESIGN SERVICES

### DESIGN/BUILD CONTRACT – WEBB ROAD PUMP STATION. (District II)

Agenda Report No. 00-1199.

The City's water distribution system is currently divided into two pressure zones, the Hess Pressure Zone and the Northeast Pressure Zone. The Northeast Pressure Zone was created to correct low water pressure problems caused by higher elevations in this portion of the City, generally east of Rock Road. and north of 21st Street North. Additional pressure problems are occurring in the far east and southeast portions of the City.

The current Water Master Plan recommends that an additional pressure zone be created to alleviate the situation. This new East Pressure Zone would generally be east of Webb Rd. and south of 21st St. N. On September 12, 2000, the City Council approved a project to make improvements to the site of the existing pump station at Webb Rd. and 21st creating an East Pressure Zone. Staff was authorized to consider design/build alternatives for the project in order to have the improvements completed to meet summer water demands in 2001.

The Staff Screening and Selection Committee solicited Statements of Qualifications for partnerships to do a design/build project and received responses from two partnerships. A Request for Proposals was issued, and the Staff Screening and Selection Committee selected the partnership of Burns & McDonnell/CAS Construction to provide engineering and construction services. Services will include both the design and engineering required to improve the Webb Rd. Pump Station enabling it to provide water to the East Pressure Zone. The design concept submitted recommends making improvements to the existing pump station, rather than building an additional pump station. This approach will save approximately fifty percent (50%) from the concept considered in the Water Master Plan.

Cost of design and construction services will not exceed \$1,552,000. Funding for the project is included in the CIP W-882, Webb Rd. Satellite Pump Station, which has a budget of \$4,500,000.

City Council approval is required for projects with a cost of \$10,000 or more.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## VIA CHRISTI

### VIA CHRISTI HEALTH SYSTEMS – INSTALLATION OF FIBER OPTIC FACILITIES.

Agenda Report No. 00-1200.

Via Christi Health Systems requests to place fiber optic facilities underground on Yale Street, connecting office administrative facilities to the hospital. The length of the fiber optic placement is 1,098 feet. The fiber optics will be restricted for internal use only and the design and placement is subject to the review of the City Engineer.

Via Christi will be required to comply with Right-of-Way standards established by the City, participate in the Kansas One Call program and pay an annual fee for the continued use of the Right-of-Way.

The application fee totals \$549 (\$.50/linear foot up to \$5,000). The annual fee for placement of facilities in the ROW totals \$1,980. The fee is broken down as follows:

- 1) 412 ft. X \$1.25 = \$ 515 (minor street permit rate/ Via Christi owns adjacent property)
- 2) 586 ft X \$2.50 = \$1,465 (Point-to-point fee applicable to telecom providers for fiber optic placement of facilities)

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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## KDOT

### KDOT APPLICATIONS FOR TRANSPORTATION ENHANCEMENT PROJECTS – PEDESTRIAN/BIKE TRAIL.

Agenda Report No. 00-1201.

Transportation Enhancement is a funding category under the Transportation Equity Act for the 21st Century (TEA-21). The Kansas Department of Transportation (KDOT) will receive applications for Enhancement projects from cities and counties throughout Kansas and select those projects that meet KDOT's funding eligibility criteria. The three categories under enhancements are: 1) historic, 2) scenic and environmental, and 3) pedestrian and bicycle facilities. Kansas's share for these three Enhancement categories is about \$9 million for fiscal year 2003. Applications sponsored by the City of Wichita will compete for these funds with other statewide projects. Only tax-leaving entities can sponsor applications. KDOT will announce the awards in the Spring of 2001.

As part of this year's application development process, MAPD provided opportunities for public support and review of projects. In addition to holding a special public meeting on the enhancement program, staff has made presentations before three District Advisory Boards, the Design Council, Board of Parks Commissioners, the Greenways Committee, and the Metropolitan Area Planning Commission to receive input and support for these projects.

A minimum 20 percent local match is required for each project. However, it is recommended that the City provide a 30 percent local match to enhance the chances of Wichita projects being selected over other statewide applications. The cost of construction, right-of-way acquisition, utility relocation, and construction engineering is eligible for federal funding, but the cost of design is a local responsibility.

The total cost of proposed projects is \$2,314,087. The City of Wichita's matching share is \$648,990. Design costs, public art, and certain contingencies not reimbursable under this program, will cost an additional \$150,787 if approved.

In the past, the City of Wichita has submitted applications under the Transportation Enhancement program, but not all applications were funded. Therefore, out of \$9 million available to KDOT for statewide distribution (under the FY 2003 program), it is unlikely that all of Wichita's applications totaling \$2.31 million will be funded.

The Transportation Enhancement Program projects require: (1) a certification that no known or foreseeable legal impediments exist that would prohibit completion of the projects; and (2) a resolution that the City of Wichita will accept the responsibility for coordinating the projects and funding the local match.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Knight moved that the projects be approved; the Resolution be adopted; and staff be authorized to submit project requests to KDOT. Motion carried 7 to 0.

#### RESOLUTION NO. R-00-431

A Resolution of the City of Wichita to approve the filing of applications for transportation enhancement projects to KDOT, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## HISTORIC PRES.

### NON-RESIDENTIAL HISTORIC PRESERVATION LOAN PROGRAM.

Agenda Report No. 00-1202.

On October 3, 2000, the City Council authorized a 30-day public comment period to receive comments on a substantial amendment to the 2000/2001 One-Year Action Plan. The amendment permits the City to use CDBG funds for Non-Residential Historic Preservation Loan activities.

The Non-Residential Historic Preservation Loan program will provide low interest loans for the preservation, restoration and rehabilitation of historically and architecturally significant structures located in the 1919 Wichita City limits within the Neighborhood Revitalization Strategy Area.

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The structure to be rehabilitated must listed or eligible to be listed in the National Register of Historic Places, listed in a State or local inventory of historic places, or designated as a State or local landmark or historic district by appropriate law or ordinance.

Program income in the amount of \$95,000 will be transferred from the Residential Historic Revolving Loan Program to the Non-Residential Historic Preservation Loan Program. The current balance in the Residential Historic Revolving Loan Program is \$120,000.

Any significant change including any budget transfer of \$10,000 or more requires City Council approval.

Motion --  
-- carried

Knight moved that budget transfer and the amendment to the Memorandum of Understanding be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### ACQUISITION OF NO. 6 HUNTER FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 00-1203.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owners of 6 Hunter, Mr. and Mrs. Francis Dunn, have expressed an interest in selling this property to the City. The site contains 19,000 square feet and is improved with a 1,938 square foot stone single family residence. The property has four bedrooms and two baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The owners are in their mid-90's and have lived in the house for approximately 50 years. Due to their age and condition, acquisition and relocation would require special costs and consideration. The property appraised for \$128,000. An amount of \$220,000 has been negotiated. The property is in good condition with no deferred maintenance noted.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$232,000 is requested. This includes \$220,000 for the acquisition, \$10,000 for demolition and \$2,000 for closing costs and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### ACQUISITION OF PART OF 509 NORTH RUTAN FOR THE HILLSIDE/CENTRAL INTERSECTION PROJECT. (District II)

Agenda Report No. 00-1204.

In July of 1998, City Council approved a resolution calling for the improvement of several intersections and traffic corridors within the City. The intersection of Central and Hillside was one such intersection. The improvement plans call for partial acquisition at the Northwest corner of Central and Rutan. A 24.5-foot triangular tract is required at this corner. Wesley Medical Center owns this corner.

The property was valued at \$183.75. Wesley has agreed to accept this amount. The site is largely unimproved. If the project impacts any improvements, these will be replaced as part of the project.

The Council resolution approved \$95,000 in general obligation bonds for this project. A budget of \$300 is requested. This includes \$183.75 for the acquisition, and \$116.25 for closing costs and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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## BUDGET

### TRANSFER FUNDS WITHIN SEWER UTILITY.

Agenda Report No. 00-1205.

Budget reallocations within the Sewer Utility Capital Improvement Program (CIP) are required to enable the Water and Sewer Department to complete necessary improvements to the Sewer Maintenance building at 715 West Harry. Staff analysis of project expenditures shows that adjustments can be made within the Sewer CIP budget.

The Sewer Utility CIP includes \$200,000 for project S-73, Improvements to the Sewer Maintenance Building. When the project was first included in the CIP, the City was considering relocation of the Sewer Maintenance Division; however, the decision has been made that the division will remain in the same location. The cost of needed improvements exceeds the amount anticipated when the project was conceived. The City has received proposals ranging up to \$509,000 to design and construct the improvements. The recommended proposal places the cost at \$285,000.

The alternative would be to complete part of the planned improvements. The building is structurally sound, so it is in the City's best interest to continue using it. Planned improvements include enclosing dock areas to increase usable storage areas, updating restrooms, providing ADA access, improving the building exterior, and screening the material storage area to improve the appearance of the surrounding area. If improvements are not done at this time, they will need to be done at a later date at a higher cost.

A reallocation of the Sewer Utility CIP budget is required. Staff analysis shows that a reallocation of \$86,280 from Sewer CIP S-503, Chemical Injection Facilities, and S-511, Land Buffer (both completed projects), will enable the utility to complete the planned improvements.

City Council approval is required for budget transfers of \$10,000 or more.

Motion --  
-- carried

Knight moved that the transfer of \$83,155 from Sewer Utility CIP S-503 to CIP S-73 and transfer of \$3,125 from CIP S-511 to CIP S-73 be approved. Motion carried 7 to 0.

## CENTURY II

### CENTURY II/EXPO HALL BUDGET ADJUSTMENTS.

Agenda Report No. 00-1206.

Century II/Expo Hall expenditures are directly related to revenue-producing activity. Each year, the expenditure budget is allocated pursuant to projected activity (i.e., revenues) at the facilities. This activity has a significant impact on budgeted costs such as utilities and room set-up fees. In addition to this activity, in some years weather extremes create demand for basic utilities in excess of normal.

In connection with the construction of a new energy plant at the Century II/Expo Hall/Hyatt Hotel complex three years ago, new utility meters were installed at each of the facilities. Shortly after the new meters were installed, utility costs plunged significantly. The reductions in cost were attributed to efficiencies associated with the new energy plant.

The City has a contractual arrangement with the Hyatt Hotel which stipulates that the City provide payment to the hotel for meeting room set-up and cleaning at Expo Hall. Each year, an estimate of meeting room activity (i.e., revenues) drives the budgeted allocation used to pay the Hyatt for services provided.

The Director of Century II/Expo Hall recently resigned to accept a professional position at a top convention/performing arts center in another state. On November 7, 2000, the City Council approved an executive search and recruitment contract with Gerald Plock Associates, Inc., to assist in the selection of a new director for the facility. The contract provides for payments to Plock Associates not-to-exceed \$16,000.

Year-to-date revenue-generating activity at Century II/Expo Hall is ahead of the pace set in 1999. Century II revenues are projected to exceed 1999 levels by almost 3%, and Expo Hall revenue growth is estimated at over 13%, including growth of almost 60% in food and meeting room rentals. Overall, revenues are expected to exceed budget targets by over 3%, with cost recovery surpassing the budgeted goal by almost 2%.

Although increased activity has driven up utility costs at Century II/Expo Hall in 2000, it was also discovered earlier this year that the meter measuring usage at the facilities was inaccurate. KGE replaced the meter, and while efficiencies in usage continued to be realized, savings were found to be considerably less than in 1998 and 1999—

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years which were used to develop both facilities' 2000 budget allocations. Weather extremes in August and September exacerbated the situation.

Hyatt meeting room set-up and cleaning fees at Expo Hall have substantially exceeded budget, parallel with associated growth in revenues. Fees have consistently averaged 34-35% of food and meeting room revenues over the past two years.

The recent resignation of the Director of Century II/Expo Hall was unexpected, and the cost of recruiting a new director for the facility was not included in the Century II operating budget.

Funds needed to cover unanticipated utility, meeting room set-up/cleaning, and executive recruitment costs are estimated at \$95,600. Under-expenditures in the Park and Recreation operating budget are available to cover the costs.

Budget transfers in excess of \$10,000 require City Council approval.

Motion -- carried

Knight moved that the budget adjustments and transfer of funds be approved. Motion carried 7 to 0.

## SEWER REPAIRS

### **PUBLIC EXIGENCY PROJECT, SANITARY SEWER REPAIRS.** (District II)

Agenda Report No. 00-1207.

The sanitary sewer at Douglas and Webb Road, which serves Raytheon Plant #3 exclusively, has root intrusion that is causing sewage backups at Raytheon.

The pipe is approximately twenty-two (22 ft.) feet deep and crosses under Webb Road. The line flows close to capacity most of the time and due to the location of the upstream manhole, cleaning the line is difficult causing hardship to Raytheon. A permanent solution is needed before additional sewage backups occur.

The best solution is to rehabilitate the line using cured-in-place liner. Insituform Technologies, Inc., the only local pipe lining company, has been contracted do the improvements for \$28,730. The City Manager approved proceeding with this project on November 21, 2000.

Capital Improvement Program, Reconstruction of Sanitary Sewers (CIP #S-4) has a budget of \$3,000,000 for 2000. This repair will be funded from 2000 Sewer Utility Revenues and Reserves and/or a future revenue bond issue.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding.

Motion -- carried

Knight moved that the City Manager's Public Exigency approval of the project be affirmed. Motion carried 7 to 0.

## COMPUTER/DATA

### **PURCHASE OF SCADA SYSTEM SOFTWARE – WATER AND SEWER.**

Agenda Report 00-1231.

Sewage Treatment utilizes Facility Maintenance Technology (FMT) software for the plant SCADA system. FMT has become outdated with no upgrades available. The FMT system is presently in operation at Plants #1 and #2 and Staff is finding the system not only outdated but lacking in technical support, thus hindering performance of the system and optimization of plant staffing.

The current operating system (FMT) has not been upgraded for approximately twenty months and there is no sign of continued product support from the company. FMT is not keeping up with the industry and is lacking essential features necessary to carry out automated controls. Due to these factors, Staff recommends the purchase of software Wonderware and Avantis, which will be in use at the future Northwest Sewage Treatment Plant #3 and have technologies not found in the present system. Wonderware has the capability to run multiple drivers simultaneously which will permit telemetry to Plant #3.

The cost of the software will not exceed \$105,000. Funds are available in Capital Improvement Program #S-513, Sewage Treatment Plant #2 Improvements.



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Purchasing Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids. The purchase will be made from sole source Logic Control Sales, Inc.

Motion -- carried

Knight moved that the purchase be approved. Motion carried 7 to 0.

(Item No. 29)  
**SSMID**

## **SELF SUPPORTING MUNICIPAL IMPROVEMENT DISTRICT (SSMID).**

Mayor Knight

Mayor Knight withdrew this Item to announce the public hearing date of January 23, 2000.

Agenda Report No. 00-1208.

The Self-Supported Municipal District (SSMID) was first proposed by downtown property and business owners in 1998. More than 60% of downtown property owners signed petitions supporting the creation of the SSMID; however, the City determined to not proceed at that time. Recently, the City and the Downtown Development Corporation have reactivated the SSMID concept to help advance the marketing, management and development of downtown.

The proposed Downtown Wichita Self-Supported Municipal Improvement District is being implemented pursuant to state statutes that enable the establishment of a Self-Supported Municipal Improvement District (SSMID) by the governing body of the City of Wichita on its own motion.

The proposed Downtown Management District is described as "a private sector initiative to manage and improve the downtown environment with services financed by a self-imposed and self-governed assessment on properties and/or businesses". Services can include image enhancement/ marketing, business retention and recruitment, urban vitality improvements, operations and reserve.

The boundaries of the proposed SSMID, generally describe the area as:

Beginning at the east bank of the Arkansas River and the Kellogg Fly Over, eastward to Washington; North along Washington to Central; West along Central to its intersection with Greenway Blvd. and along a line south through the war memorial park to the east bank of the Arkansas River; South along the east bank of the Arkansas River to the Kellogg Fly Over.

The term of existence of the District shall be ten years. An Advisory Board is proposed for the purpose of developing and recommending assessments, budgets and policies for the district to the City Council. It would be comprised of property owners and business owners from district as well as representatives from the City and Downtown Development Corporation (non-voting).

The business plan for the proposed Downtown Wichita Self-supported Municipal Improvement District asks the City of Wichita to make a commitment that it will not use any monies generated by the SSMID assessments to pay for any City services currently being provided within the SSMID area.

If the District is ultimately established, the first distribution of SSMID assessment revenues will not occur until January 2002.

The statutes pertaining to the establishment of a SSMID allow the City Council to adopt a resolution setting a public hearing on the establishment of the SSMID not less than 30 days nor more than 60 days following adoption of the resolution. The resolution must be mailed to all property owners in the proposed District and published three times in the City's official newspaper. After 30 days following the public hearing, the City Council may adopt an ordinance establishing the SSMID and setting forth the terms and conditions for its operation, governance, financing and termination.

Motion --

Knight moved that the Resolution stating it is considering the establishment of a Downtown Wichita Self-supported Municipal Improvement District and setting January 23, 2001 as the time for holding a public hearing on the matter be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. R-00-424

A Resolution of the governing body of the City of Wichita, Kansas to initiate proceedings to create a self-supported Municipal Improvement District Pursuant to K.S.A. 12-1794 Et Seq., presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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## CEREBRAL PALSY

### **CEREBRAL PALSY RESEARCH FOUNDATION OF KANSAS; RESOLUTION OF SUPPORT FOR STATE HOUSING TRUST FUND APPLICATION.**

Agenda Report No. 00-1209.

Cerebral Palsy Research Foundation of Kansas; Resolution of Support for State Housing Trust Fund Application (District 1)

The State of Kansas has issued a Notice of Funding Availability from the State Housing Trust Fund (SHTF). Eligible applicants include private firms, local governments, and other organizations. Projects are restricted to housing. Eligible use of the funds include homeownership, rental housing, housing with supportive services and development enhancement.

The \$1.5 million SHTF funding is competitive on a state-wide basis with some consideration given to achieving a fair geographic distribution of funds.

Cerebral Palsy Research Foundation of Kansas is applying for SHTF for the purpose of installing a sprinkler system in each of the 100 Timbers apartments plus the congregate area. The Timbers apartments were constructed in 1979 and renovated in 1995. Timbers apartments are rental units for people with disabilities. Residents receive various support services. Timbers complies with the city fire code, however they would like to take additional steps to assure the safety of residents in the case of fire since the number of attendants available to assist residents would be insufficient at any given time.

The Cerebral Palsy Research Foundation of Kansas requires a formal resolution of support from local governing bodies. Cerebral Palsy Research Foundation of Kansas is requesting \$180,796.00 from the Housing Trust fund for the installation of the sprinkler system.

State Housing Trust Fund is sole source of funding for the proposed activity.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

#### RESOLUTION NO. R-00-425

A Resolution establishing support for an application for State Housing Trust Fund, as required by the State of Kansas, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## MENNONITE HOUSING **MENNONITE HOUSING: RESOLUTION OF SUPPORT FOR STATE HOUSING TRUST FUND APPLICATION.**

Agenda Report No. 00-1210.

The State of Kansas has issued a Notice of Funding Availability from the State Housing Trust Fund (SHTF). Eligible applicants include private firms, local governments, and other organizations. Projects are restricted to housing. Eligible use of the funds include homeownership, rental housing, housing with supportive services and development enhancement.

The \$1.5 million SHTF funding is competitive on a state-wide basis with some consideration given to achieving a fair geographic distribution of funds.

Mennonite Housing is applying for SHTF for the purpose of supplementing their current new housing construction and housing rehabilitation programs. The Funds will be used to reduce construction finance costs for new construction and will be used to complete additional repairs in the home repair program. 100% of the beneficiaries will be low-to-moderate income households.

Mennonite Housing requires a formal resolution of support from the City Council. Mennonite Housing is requesting \$150,00.00 from the Housing Trust fund for the proposed project.

State Housing Trust Fund will supplement other public and private funding for the proposed activity.

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Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-00-426

A Resolution establishing support for an application for State Housing Trust Fund, as required by the State of Kansas, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## BUDGET

### **ORDINANCE APPROPRIATING THE 2001 BUDGET AND RATIFYING THE PAYMENT OF ALL CLAIMS AGAINST THE 2000 BUDGET.**

Agenda Report No. 00-1211.

Each year, the City Council must appropriate and approve the spending of the next year's budget according to State law and the approved budget, and authorize, approve and ratify the payments which have occurred against the current year budget.

Appropriated amounts for each fund have been established in the budget for the fiscal year 2001 for the payment of all claims and charges against each fund. Payments of all claims and charges against each fund shall be made by a combination of checks and warrants, drawn by the Director of Finance and counter-signed by the City Manager and Treasurer as provided by law. The payment of all claims and charges against respective accounts and funds provided in the budget for the year 2000 are also required to be authorized, ratified and approved.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance appropriating the amounts set up in each fund in the budget; providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts, introduced and under the rules laid over.

## ORDINANCES

### **SIDEWALK REPAIR ORDINANCE.**

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

### **SECOND READING ORDINANCE: (FIRST READ NOVEMBER 28, 2000)**

a) Alternative Correctional Housing.

## ORDINANCE NO. 44-819

An Ordinance amending sections 20.08.010, 20.08.060, 20.08.080, 20.08.090, 20.08.100, 20.08.120, 20.08.130, and 20.08.140 of the Code of the City of Wichita, Kansas, and amending section 20.08.110 as amended by ordinance 44-469, and repealing the originals of said sections; pertaining to the licensing of alternative correctional housing facilities; and also repealing sections 20.08.020 and 20.08.030 of the code of the City of Wichita, Kansas, and repealing section 20.08.040 as amended by Ordinance No. 44-629, and creating new sections 2.12.1150, 2.12.1155, and 2.12.1157, pertaining to the duties of the Alternative Correctional Housing Advisory Board and abolishing the regulatory board; and also creating new section 20.08.015 pertaining to enforcement of the alternative correctional housing licensing ordinance, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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## PLANNING AGENDA

Marvin Krout Director of Planning stated that Items 35, 36, 42 and 43, could be considered as consensus Items unless the Council desired to withhold other Items.

Motion -- Knight moved that the Planning Agenda Items 36, 42 and 43 be approved as consensus Items. Motion carried  
-- carried 7 to 0.

**S/D 99-87**

### **S/D 99-87 PLAT OF SAWMILL CREEK ADDITION LOCATED ON THE NORTHEAST CORNER OF ROCK ROAD AND 45TH STREET NORTH.** (District II)

Agenda Report No. 00-1212.

Staff Recommendation: Approve the plat.  
MAPC Recommendation Approve the plat. (10-0)

The site was annexed by the City in July 2000.

Petitions, all 100%, have been submitted for sanitary sewer, storm sewer, paving and water improvements. A Certificate of Petitions have also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion -- carried Pisciotte moved that this Item be deferred for one week. Motion carried 7 to 0.

**SUB2000-89/  
PUD 2000-00002**

### **SUB2000-89/PUD 2000-00002 PLAT OF SECURITY STORAGE HILLSIDE ADDITION, LOCATED ON THE NORTHWEST CORNER OF HILLSIDE AND KELLOGG.** (District I)

Agenda Report No. 00-1213.

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (10-0)

This site was approved for a PUD, Planned Unit Development District for a self-storage warehouse.

A petition, 100%, has been submitted for City water improvements. A Certificate of Petitions has also been submitted. A temporary utility easement was submitted to cover a water line intended for relocation. In order to guarantee the closure of three driveways required by the access control being dedicated by the plat, the applicant has submitted a cash guarantee.

A PUD Certificate was provided identifying the approved Planned Unit Development. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, temporary easement, and PUD Certificate will be recorded with the Register of Deeds.

Motion -- Knight moved that the documents and plat, as to the City's Ownership interest, be approved; the necessary  
-- carried signatures be authorized; the Ordinance be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

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## RESOLUTION NO. R-00-427

Resolution of findings of advisability and Resolution authorizing Construction of Water Distribution System No. 448-89528 (west of Hillside, north of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over.. SUB 2000-89/PUD 2000-00002

CON2000-00042

**CON2000-00042 CONDITIONAL USE TO PERMIT 190-FOOT HIGH COMMUNICATION TOWER IN LIMITED COMMERCIAL ZONING DISTRICT, LOCATED ON THE WEST SIDE OF AMIDON AND SOUTH OF THE BIG DITCH – 3357 NORTH AMIDON.** (District VI)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 00-1214.

MAPC Recommendation: Approve, subject to conditions (10-1-1)

Staff Recommendation: Deny.

D.A.B. Recommendation: Approve, subject to conditions (6-1)

The owner is seeking a Conditional Use to permit the construction of a 190-foot high monopole tower by Horizon Telecommunications, Inc. for use by Cricket Communications, Inc. The proposed site is zoned "LC" Limited Commercial. The Unified Zoning Code requires a Conditional Use for Wireless Communication Facilities over 85 feet in height in the "LC" Limited Commercial zoning district.

The proposed tower would be sited on a 6,400 square foot area located south of the Big Ditch on the west side of Amidon. The site depicts an 80-foot by 80-foot compound with the tower located in the center of the compound and the ground-level communication equipment located in the eastern portion of the compound. The site plan depicts an 8-foot high chain link fence with barbed wire around the entire compound. The site plan indicates that the ground-level equipment would be screened by evergreen trees around the north, south, and east sides of the compound. The site plan also shows that the tower would be partially obscured from view by existing trees on the south, west, and east sides of the property. The site plan shows that access would be provided to the site from Charles, an unpaved residential street.

The character of the surrounding area is commercial to the east with residential to the south and west and the Big Ditch to the north. The property north of the site is public right-of-way used for the Big Ditch. The properties east of the site are zoned "LC" Limited Commercial and "GO" General Office and are developed with a retail business and a medical office. The properties south and west of the site are zoned "SF-6" Single-Family Residential and are developed with a single-family residences.

The application indicates that the proposed tower is needed for part of a planned initial build-out of a wireless phone system by Cricket Communications, Inc. The justification for the request indicates existing monopole towers located north of the site near I-235 and Meridian and west of the site near 29th and West do not provide adequate coverage at the heights available and would be significantly more expensive than a new tower to rebuild or modify to provide sufficient height. Additionally, the RF engineering evaluation indicates that insufficient coverage will be provided to residential areas north and west of I-235 and Meridian even with a lower tower height (150 feet); therefore, it is likely that an additional tower request will be submitted in the future to provide service to that area.

The application also indicates that an existing self-support lattice tower at Pleasant Valley School to the southwest had not been made available to be rebuilt as of the date of application. Correspondence with school district staff indicates that the school district is in the process of making their towers available for reconstruction. Additionally, temporary structures such as "cellular on wheels" could be used in the interim to provide limited service to the area while issues involving the availability of the school tower are resolved.

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At the MAPC hearing on November 9, 2000, no citizens, other than the applicant, spoke for or against the request. The MAPC recommended approval (10-1-1) of the Conditional Use subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The monopole shall not exceed 170 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. The monopole shall be located in the northeastern corner of the compound and shall be setback at least 130 feet from property zoned "SF-6" located to the west.
- F. Access to the compound for the purpose of constructing the monopole shall be from the commercial property to the east utilizing an existing opening on Amidon.
- G. Existing trees as indicated on the site plan submitted with the application shall be maintained and supplemented by additional landscaping planted and maintained according to a landscape plan approved by the Planning Director. The landscape plan shall provide shade trees (including existing trees) at least every 30 feet along the Womer/Amidon frontage north of the existing parking lot. The landscape plan shall provide shade trees at least every 30 feet along the west property line in the gap between the existing hedge rows. The landscape plan shall provide for densely planted evergreen trees around the north, south, and east perimeter of the compound.
- H. Revised site plans and elevation drawings indicating the approved location and design of the wireless communication facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
- I. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
- J. The applicant shall obtain FAA approval of the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the Director of Airport Engineering for the City of Wichita.
- K. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- L. Any violation of the conditions of approval shall render the Conditional Use null and void.

On November 21, 2000, the City Council appealed the decision of the MAPC; therefore, the final decision on this case will be made by the City Council.

Motion --  
-- carried

Cole moved that the City Council concur with MAPC and approve the Conditional Use, subject to conditions; and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-00-428

A Resolution authorizing a conditional use to allow a wireless communication facility located south of the big ditch and west of Amidon on property zoned Limited Commercial in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-427, as amended, presented Cole moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

CON2000-00044

**CON2000-00044 CONDITIONAL USE TO PERMIT 150-FOOT HIGH COMMUNICATION TOWER IN LIMITED INDUSTRIAL ZONING DISTRICT, LOCATED NORTH OF 9TH STREET NORTH BETWEEN HOOVER AND I-235 – 1025 NORTH HOOVER.** (District VI)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 00-1215.

MAPC Recommendation: Approve, subject to conditions (10-1-1).  
Staff Recommendation: Deny.  
D.A.B. Recommendation: Approve, subject to conditions (7-0).

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The owner is seeking a Conditional Use to permit the construction of a 150-foot high monopole tower by Horizon Telecommunications, Inc. for use by Cricket Communications, Inc. The proposed site is zoned "LI" Limited Industrial. The Unified Zoning Code permits Wireless Communication Facilities up to 150 feet in height in the "LI" Limited Industrial zoning district with an Administrative Permit; however, the application for a Conditional Use was filed based upon planning staff's non-support of the request due to its lack of conformance with the Wireless Communication Master Plan.

The proposed tower would be sited on a 2,925 square foot area located between I-235 and Hoover and north of 9th Street North. The site plan depicts an 65-foot by 45-foot compound with the tower located on the eastern portion of the compound and the ground-level communication equipment located in the center of the compound. The site plan depicts an 8-foot high chain link fence with barbed wire around the entire compound. The site plan indicates that the ground-level equipment would be screened by evergreen trees around the perimeter of the compound. The site plan also shows that the tower would be partially obscured from view by existing trees on the east and a billboard on the north. The site plan shows that access would be provided to the site through an access easement to Hoover, an unpaved collector street.

The character of the surrounding area is primarily residential with a single manufacturing business on the parent tract of the subject property and significant amounts of undeveloped land between Hoover and I-235. The properties north and south of the site are zoned "SF-6" Single-Family Residential and are undeveloped. The properties east of the site are zoned "SF-6" Single-Family Residential and are developed with single-family and institutional uses. The property west of the site across I-235 is zoned "MF-18" Multi-Family Residential and is developed with townhouses.

The application indicates that the proposed tower is needed for part of a planned initial build-out of a wireless phone system by Cricket Communications, Inc. The justification for the request indicates that existing monopole towers located west of the site along the Big Ditch and northwest of the site in Sedgwick County Park do not provide adequate coverage.

The application also indicates that an existing self-support lattice tower at Hadley School to the east had not been made available to be rebuilt as of the date of application. Correspondence with school district staff indicates that the school district is in the process of making their towers available for reconstruction. Additionally, temporary structures such as "cellular on wheels" could be used in the interim to provide limited service to the area while issues involving the availability of the school tower are resolved.

At the MAPC hearing on November 9, 2000, no citizens, other than the applicant, spoke for or against the request. The MAPC recommended approval (10-1-1) of the Conditional Use subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The monopole shall not exceed 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. The monopole shall be set back at least 55 feet from property zoned "SF-6" located to the north.
- F. The existing trees located east of the compound as indicated on the site plan submitted with the application shall be maintained until such time as a building permit for expansion of the existing industrial business is issued and supplemented by additional landscaping planted and maintained according to a landscape plan approved by the Planning Director.
- G. Revised site plans and elevation drawings indicating the approved location and design of the wireless communication facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
- H. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
- I. The applicant shall obtain FAA approval of the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the Director of Airport Engineering for the City of Wichita.
- J. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- K. Any violation of the conditions of approval shall render the Conditional Use null and void.

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On November 21, 2000, the City Council appealed the decision of the MAPC; therefore, the final decision on this case will be made by the City Council.

Motion --  
-- carried

Cole moved that the City Council concur with MAPC and approve the Conditional Use, subject to conditions; and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-00-429

A Resolution authorizing a conditional use to allow a wireless communication facility located between Hoover and I-235 and north of 9<sup>th</sup> Street North in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-427, as amended, presented Cole moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

CON2000-00045

### **CON2000-00045 CONDITIONAL USE PERMIT TO ALLOW A WIRELESS COMMUNICATION FACILITY, LOCATED EAST OF ROOSEVELT AND NORTH OF 9TH STREET NORTH.** (District I)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 00-1216.

MAPC Recommendation: Approve, subject to conditions (11-0-1).  
Staff Recommendation: Approve, subject to conditions.  
D.A.B. Recommendation: Approve (11-0).

The owner is seeking a Conditional Use to permit the construction of a 140-foot high monopole tower by Horizon Telecommunications, Inc. for use by Cricket Communications, Inc. The proposed site is zoned "TF-3" Two-Family Residential. The Unified Zoning Code requires a Conditional Use for Wireless Communication Facilities over 65 feet in height in the "TF-3" Two-Family Residential zoning district.

The proposed tower would be sited on a 3,600 square foot area located east of Roosevelt and north of 9th Street North inside the maintenance yard for MacDonald Golf Course. The site plan depicts an 60-foot by 60-foot compound with the tower located in the center of the compound and the ground-level communication equipment located in the northern portion of the compound. The site plan depicts an 8-foot high chain link fence with barbed wire around the entire compound. The site plan indicates that an existing 10-foot high wood fence along Roosevelt would remain as screening of the ground-level equipment. The site plan also shows that the tower would be partially obscured from view by existing trees to the north, the maintenance building to the south, and the golf course to the east. The site plan shows that access would be provided to the site through an access easement to Roosevelt, a paved local street.

The character of the surrounding area is a mixture of residential and recreational uses with single-family residences located to the south and west and golf course and open space located to the north and west. The properties surrounding the site in all directions are zoned "TF-3" Multi-Family Residential.

The application indicates that the proposed tower is needed for part of a planned initial build-out of a wireless phone system by Cricket Communications, Inc. The justification for the request indicates that space was unavailable on the roof of tall buildings at Central and Hillside.

The application also indicates that an existing self-support lattice tower at Alcott School to the northeast had not been made available to be rebuilt as of the date of application. While correspondence with school district staff indicates that the school district is in the process of making their towers available for reconstruction, it is unlikely that this school site will be made available due to the limited size (2 acres) of the school yard.

At the MAPC hearing on November 9, 2000, no citizens, other than the applicant, spoke for or against the request. The MAPC recommended approval (11-0-1) of the Conditional Use subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.



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- C. The support structure shall be a "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The monopole shall not exceed 140 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. The existing trees located north of the compound and the existing fence located west of the compound as indicated on the site plan submitted with the application shall be maintained and supplemented by additional screening planted and maintained according to a landscape plan approved by the Planning Director. The landscape plan shall provide shade trees at least every 30 feet along the west property line from the chain link fence on the north to the access opening to Roosevelt on the south.
- F. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
- G. The applicant shall obtain FAA approval of the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the Director of Airport Engineering for the City of Wichita.
- H. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- I. Any violation of the conditions of approval shall render the Conditional Use null and void.

Petitions have been received protesting the proposed Conditional Use from owners representing 0.85% of the property within 200 feet of the site, triggering the requirement for the City Council to consider the case.

Motion --  
-- carried

Rogers moved that the City Council concur with MAPC and approve the Conditional Use, subject to conditions; and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-00-430

A Resolution authorizing a conditional use to allow a wireless communication facility located south of the big ditch and west of Amidon on property zoned Limited Commercial in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-427, as amended, presented Rogers moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

**CUP2000-00040 (DP3 #2) CUP2000-00040 (DP3 #2) CUP AMENDMENT TO PERMIT 130-FOOT HIGH COMMUNICATION TOWER IN GENERAL COMMERCIAL ZONING DISTRICT, LOCATED SOUTH OF 20TH STREET NORTH AND WEST OF WOODROW AT TWIN LAKES SHOPPING CENTER.** (District VI)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 00-1217.

MAPC Recommendation: Approve, subject to conditions (10-1-1).  
Staff Recommendation: Deny.  
D.A.B. Recommendation: Approve, subject to conditions (6-1).

The owner is seeking an amendment to the Twin Lakes Shopping Center CUP (DP-3) to permit the construction of a 130-foot high monopole tower by Brad Murray Rentals, LLC for use by ITSROE.com, Inc. The proposed site is zoned "GC" General Commercial. The Unified Zoning Code permits Wireless Communication Facilities up to 150 feet in height in the "GC" General Commercial zoning district with an Administrative Permit; however, the application for a CUP amendment was filed based upon planning staff's non-support of the request due to its lack of conformance with the Wireless Communication Master Plan.

The proposed tower would be sited on a 2,935 square foot area located near the southwest corner of 20th Street North and Woodrow, in the rear parking lot of the Twin Lakes Shopping Center. The proposed tower would be located in a triangular-shaped compound with the tower and associated antennas located near the center of the compound and the ground-level communication equipment located in the east corner of the compound. The compound would be screened by an 8-foot high cedar fence. Access to the compound would be provided from the shopping center parking lot through a gate on the west side of compound. The proposed wireless communication facility would be partially obscured from view from nearby properties by existing trees to the south and east and existing buildings to the north and west.

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The character of the surrounding area is commercial to the north and west and residential to the south and east. The property north and west of the site is zoned "LC" Limited Commercial and is developed with the Twin Lakes Shopping Center. The property south and east of the site is zoned "B" Multi-Family Residential and "SF-6" Single-Family Residential and is developed with the Twin Lakes Apartments, a recreational lake, and single-family residences in the Cornelison Addition.

The application indicates that the proposed tower is needed for ITSROE.com, Inc. to provide wireless broadband services to the area around Twin Lakes. The application indicates that several avenues (such as locating on existing towers and tall buildings in the area) other than the construction of a new tower have been pursued and were not feasible for economical and/or technical reasons. However, these economical and technical reasons are not substantiated with cost comparisons of the proposed tower to other options or site specific radio frequency analyses of alternative locations.

The application also indicates that existing self-support lattice towers at several schools in the vicinity of the proposed tower had not been made available for use or reconstruction as of the date of application. Correspondence with school district staff indicates that the school district is in the process of making their towers available for use or reconstruction.

Finally, the application indicates that the negotiated lease rate for co-location on the proposed tower is significantly more feasible than the cost of constructing a new tower. However, the application is not for co-location on an existing tower; rather, the application is for the construction of a new tower for the purpose of locating antennas for use by ITSROE.com. In the opinion of planning staff, the statement implies that the tower is proposed for construction for a purpose other than locating antennas for ITSROE.com without providing information regarding the intended use of the tower in order that the need for this intended use and its impact on surrounding properties can be adequately evaluated.

At the MAPC hearing on November 9, 2000, several citizens spoke against the request citing concerns with the visual appearance of the tower and its impact on the view from their apartments across their recreational lake. The MAPC recommended approval (10-1-1) of the Conditional Use subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The monopole shall not exceed 130 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers.
- E. The monopole and its foundation shall be designed and constructed in such a manner that permits future height extensions of up to 20 feet and future loading expansions to accommodate communication equipment for at least four wireless service providers.
- F. The compound shall be enclosed by an 8-foot high solid screening fence.
- G. The existing trees located south and east of the compound as indicated on the site plan submitted with the application shall be maintained to obscure the wireless communication facility from view from nearby properties.
- H. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
- I. The applicant shall obtain FAA approval of the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the Director of Airport Engineering for the City of Wichita.
- J. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- K. The 2,935 square foot, triangular-shaped compound for the monopole shall be designated on the CUP plan, and the uses allowed for Parcel 1 shall be modified to add: "Wireless communication facility only in designated area."
- L. The following shall be added to the CUP General Provisions: "The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development."

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- M. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this amendment by the MAPC or Governing Body, as applicable, or the request shall be considered denied and closed.

On November 21, 2000, the City Council appealed the decision of the MAPC; therefore, the final decision on this case will be made by the City Council.

Motion -- Cole moved that the City Council concur with MAPC and approve the Conditional Use, subject to conditions.  
-- carried Motion carried 7 to 0.

**CUP2000-00046 (DP37 #3) CUP2000-00046 (DP37 #3) CUP AMENDMENT TO PERMIT 150-FOOT HIGH COMMUNICATION TOWER IN LIMITED COMMERCIAL ZONING DISTRICT, LOCATED SOUTH OF UNIVERSITY AND WEST OF HOLLAND.** (District V)

Marvin Krout Director of Planning reviewed the Item.

Agenda Report No. 00-1218.

MAPC Recommendation: Approve, subject to conditions (6-5-1).  
Staff Recommendation: Deny.  
D.A.B. Recommendation: Deny (10-0).

The owner is seeking an amendment to the Ridge Plaza CUP (DP-37) to permit the construction of a 150-foot high self-support lattice tower by Brad Murray Rentals, LLC for use by ITSROE.com, Inc. . The proposed site is zoned "LC" Limited Commercial. The Unified Zoning Code requires a Conditional Use for Wireless Communication Facilities over 85 feet in height in the "LC" Limited Commercial zoning district. Conditional uses for properties located within a CUP are considered by a request to amend the CUP.

The proposed tower would be sited on a 4,225 square foot area located near the southwest corner of University and Holland on a vacant commercial lot. The proposed tower would be located in a 65-foot by 65-foot compound with the tower and associated antennas located near the center of the compound. The site plan does not indicate the location of the ground-level communication equipment within the compound. The compound would be screened by an 8-foot high wood or composite fence. Access to the compound would be provided through an access easement from University, a local commercial/industrial street. The proposed wireless communication facility would be obscured from view from nearby residentially-zoned properties by existing trees to north and west.

The character of the surrounding area is commercial to the south and east, institutional to the north, and residential to the west. The property south and east of the site is zoned "LC" Limited Commercial and is primarily vacant commercial lots with a commercial building located immediately east of the subject property. The property north of the site is zoned "SF-6" Single-Family Residential and is developed with Benton School. The property west of the site is zoned "TF-3" Two-Family Residential and is developed with duplexes.

The subject property is located in the vicinity of Mid-Continent Airport; therefore, planning staff contacted airport staff to receive their input on the proposed tower. Airport staff indicated that the top of the tower should have a red flashing aircraft warning light. Airport staff also indicated that the tower should receive approval from the FAA. The application indicates that the proposed tower is needed for ITSROE.com, Inc. to provide wireless broadband services to the area around Ridge Plaza. The application indicates that avenues (such as locating on existing towers in the area) other than the construction of a new tower have been pursued and were not feasible for economical and/or technical reasons. However, these economical and technical reasons are not substantiated with cost comparisons of the proposed tower to other options or a radio frequency analysis of alternative locations.

The application also indicates that an existing self-support lattice tower at Benton School had not been made available for use or reconstruction as of the date of application. Correspondence with school district staff indicates that the school district is in the process of making their towers available for use or reconstruction.

Finally, the application indicates that the negotiated lease rate for co-location on the proposed tower is significantly more feasible than the cost of constructing a new tower. However, the application is not for co-location on an existing tower; rather, the application is for the construction of a new tower for the purpose of locating antennas for use by ITSROE.com. In the opinion of planning staff, the statement implies that the tower is proposed for construction for a purpose other than locating antennas for ITSROE.com without providing information regarding the intended use of the tower in order that the need for this intended use and its impact on surrounding properties can be adequately evaluated.

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At the MAPC hearing on November 9, 2000, no citizens, other than the applicant, spoke for or against the request. The MAPC recommended approval (6-5-1) of the Conditional Use subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a "monopole" design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The monopole shall not exceed 150 feet in height and shall be designed and constructed to accommodate communication equipment for at least four wireless service providers.
- E. The monopole shall be located in the southern portion of the compound and shall be setback at least 150 feet from property zoned "TF-3" or more restrictive.
- F. The monopole shall have a red flashing aircraft warning light mounted at the top.
- G. The compound shall be enclosed by an 8-foot high solid screening fence.
- H. Revised site plans and elevation drawings indicating the approved location and design of the wireless communication facility shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
- I. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
- J. The applicant shall obtain FAA approval of the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the Director of Airport Engineering for the City of Wichita.
- K. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- L. The 65-foot by 65-foot compound for the monopole shall be designated on the CUP plan, and the uses allowed for Parcel 28 shall be modified to add: "Wireless communication facility only in designated area."
- M. The following shall be added to the CUP General Provisions: "The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development."
- N. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this amendment by the MAPC or Governing Body, as applicable, or the request shall be considered denied and closed.

Petitions have been received protesting the proposed Conditional Use from owners representing 21.25% of the property within 200 feet of the site, triggering the requirement for the City Council to consider the case. A protest petition in excess of 20% requires a three-fourth (6 of 7 members) majority vote of the membership of the governing body to approve the request.

Council Member Martz

Council Member Martz said he had requested information (which had not been received) from the Airport Authority; however, he is opposed to any potential obstruction to aircraft.

Motion -- carried

Martz moved that this request be denied. Motion carried 7 to 0.

**ZON2000-00046 &  
CON2000-00040**  
(Item No. 42)

**ZON2000-00046 (ASSOCIATED WITH CON2000-00040) ZONE CHANGE REQUEST FROM SINGLE FAMILY RESIDENTIAL TO LIMITED COMMERCIAL, LOCATED ON THE SOUTHEAST CORNER OF 135TH STREET WEST AND 21ST STREET NORTH.** (District #V)

Agenda Report No. 00-1219.

MAPC Recommendation: Approve, subject to the conditions of a (P-O) Protective Overlay (12-0).  
Staff Recommendation: Approve, subject to the conditions of a (P-O) Protective Overlay.  
D.A.B. Recommendation: Approve (10-0).

The City of Wichita is currently developing a new wastewater treatment plant at 37th Street North and 135th Street West. In order for the new plant to effectively serve its designated service area, a pumping station is needed to

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pump sewage from the collection lines to the wastewater treatment plant. The collection lines feeding the pump station operate on gravity flow so the potential location of the pump station is strongly influenced by the station's elevation relative to the service area's collection system. The City has acquired 2.19 acres of "SF-6" Single-family Residential zoned land located at the southeast corner of 21st Street and 135th Street West. The City would like to develop the pump station, a fire station and two retail pad sites at this location. This location was selected after a lengthy analysis of possible sites by both city staff and a consultant.

To accomplish this project, a Conditional Use permit to allow a "major utility" is necessary for the pump station. A Conditional Use to permit a "government service" is required for the fire station (if the parcel on which the fire station is proposed is not zoned "LC") and "LC" Limited Commercial is needed for the two-retail pad sites. The application area is currently developed with a home and outbuildings. A significant tree row exists along most of the east and south property lines.

The proposed site plan indicates that the pump station is to occupy Parcel 4, located in the southeast corner of sites. Parcel 4 is 36,371 square feet in size. The pump station would be enclosed within a 40 by 60-foot building that is to be constructed of either brick or split-face block. Height of the building is expected to be 20 to 25 feet. No noise should be discernable from the pump station during normal operations as the pumps are driven by electric motors, except during emergency situations. A back-up generator will be on-site and may make some noise when it is utilized or test run. The latest odor control equipment will also be installed. A 50-foot building setback line is shown along the south and east property line. Access to Parcel 4 is via an access easement across Parcel 3 connecting to 135th Street or by an access drive located between Parcels 1 and 2 that leads to 21st Street. A 20-foot wide landscape buffer is depicted along the east and south property line. The only use proposed for Parcel 4 is a pump station. The pump station is scheduled to go in use in June 2002. Parcel 4 would remain zoned "SF-6" Single-family Residential even with the approval of the Conditional Use request.

Parcel 3 is 45,400 square feet in size and is located in the southwest corner of the application area. A fire station may be located on Parcel 3. Adopted plans depict the need for a fire station in the 13th Street and 135th Street to 37th Street and 119th Street area. Construction for this station is scheduled for 2007. This parcel will have direct access to 135th Street. This parcel would also have access to 21st Street via an access drive that is centered on the lot line between Parcels 1 and 2. A 20-foot landscape buffer is depicted along the south property line. A 35-foot building setback is shown along 135th Street. In addition to the fire station, proposed uses are: all uses allowed in the "LC" zoning district except adult entertainment, group houses, group residential half-way houses, correctional placement residences, private clubs, taverns, drinking establishments, drive in or drive through restaurants, convenience stores, service stations, car wash or auto repair or supply store with overhead doors. Parcel 3 would be rezoned from SF-6 to "LC" Limited Commercial if this request is approved. If the "LC" rezoning is not approved, a Conditional Use to permit a "government service" is needed, as "government services" are permitted uses in the "LC" district, but require a "CU" in the "SF-6" district.

Parcels 1 and 2 both front 21st Street. Parcel 1 also has frontage along 135th Street. Parcel 1 contains approximately 49,720 square feet while Parcel 2 contains approximately 45,276 square feet. A 35-foot building setback is shown along the north side of Parcel 2 and along the north and west side of Parcel 1. Both parcels would take access from a single joint access drive off of 21st Street. Proposed uses for these two parcels are: all uses allowed in the "LC" zoning district except adult entertainment, group houses, group residential half-way houses, correctional placement residences, private clubs, taverns, and drinking establishments.

Signage is proposed to be limited by the Sign Code. Landscape screening along the south property lines of Parcels 3 and 4 and along the east property line of Parcel 4 will be provided at 1 1/2 times minimum code standards. Lighting will be shielded to reflect away from residential areas. Trash receptacles will be screened to reasonably hide them from ground view.

All neighboring land is zoned "SF-20" Single-family Residential, and developed with single-family residential or agricultural uses or is vacant.

The Unified Zoning Code requires screening by fencing, evergreen vegetation or landscaped berms along the side and rear lot lines of nonresidential uses when those uses are adjacent to residential zoning.

On November 8, 2000, the District Advisory Board (DAB) for District V considered the request. No neighboring property owners spoke in opposition. A representative of the Water and Sewer Department responded to a question on noise from the pump station. The DAB voted (10-0) to recommend approval.

On November 9, 2000, the MAPC reviewed these request and recommended approval (12-0) of "LC" Limited Commercial zoning for Parcel 1, 2, & 3, subject to use and architectural controls contained on the site plan and the recommended Protective Overlay. No one but the applicant, staff and Commissioners spoke. Commissioners

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inquired about buffer and platting requirements, and if this area fell under the "Far West Commercial Development" Policy.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended Protective Overlay No. 80 and conditions and subject to platting within one year; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

**ZON2000-00047**  
(Item No. 43)

## **ZON2000-00047 ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE, LOCATED 750 FEET NORTH OF MAPLE ON THE WEST SIDE OF RIDGE ROAD.**

Agenda Report No. 00-1220.

MAPC Recommendation: Approve, subject to the conditions of a P-O Protective Overlay (12-0-1).  
Staff Recommendation: Approve, subject to the conditions of a P-O Protective Overlay.  
D.A.B. Recommendation: Approve, subject to conditions (10-1).

The applicant is requesting "NO" Neighborhood Office on a 0.43 acre platted lot along the west side of Ridge Road located half-way between Maple and Douglas. The property is currently zoned "SF-6" and developed with a residence. The owner would like to convert the existing residence into an office.

The lot is located in the middle of a string of seven single-family homes. A restaurant, Outback Steakhouse, and a convenience store are located 325 feet to the south. The Outback was rezoned to "LC" Limited Commercial subject to a Protective-Overlay in July 1997, with the P-O providing solid screening and landscape buffering from the residential uses along Brunswick, the street to the west. Additional commercial uses developed at Maple and Ridge, include Lowe's on the southwest corner and a retail strip center on the northeast corner.

To the north about 325 feet, a State Farm Insurance office is located in a converted residence on the southwest corner of Ridge and Douglas. This property was rezoned "BB" office district in December 1983. Three single-family houses are located between the application area and the State Farm Insurance office.

The property across Ridge to the east is zoned "SF-6" but developed with the Maple Ridge Apartments, a 168 unit garden apartment complex. It is part of DP-42 Willow-Esque Residential C.U.P.

The proposed conversion of the property to office use would entail providing off-street parking. Compatibility setbacks would not be required if the conversion does not involve new construction. Similarly, the Landscape Ordinance would not be triggered unless the increased value after conversion to the residential use was more than 50 percent of the original improvements. The property has substantial landscaping on-site and probably complies with landscaping requirements that would be required of a major expansion or remodel.

District Advisory Board V voted (10-1) at the meeting held November 8, 2000, to recommend approval. One resident expressed concern that the lighting at night might affect the residential neighborhood nearby and the need for a landscape buffer to the west.

At the MAPC meeting held November 9, 2000, MAPC voted (12-0-1) to approve the zone request subject to a protective overlay, as recommended by Staff. There were no citizens present to speak on the request.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the additional recommended provisions of a Protective Overlay District; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

### ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. (ZON2000-00047)

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## AIRPORT AGENDA

Motion -- carried

Knight moved that the Airport Agenda be approved. Motion carried 7 to 0.

## AIRPORT

### VIDEO RECORDER – COMPUTER CONTROLLED ACCESS SYSTEM – AIRPORT.

Agenda Report No. 00-1221.

A computer controlled access system was installed on Mid-Continent Airport in the early 1990s to meet federal requirements to control access to the airfield. One component of that system is security cameras that allow remote monitoring by Safety Personnel of approximately 30 locations on the Airport. Currently 50% of the cameras can be simultaneously recorded. The Authority contracts with STG for support and maintenance of the system.

The proposal would allow for all cameras to be recorded with updated technology being used on 80% of them. The updated technology increases the frames recorded from 2 per second to 15 per second thereby allowing for a seemingly continuous tape of recorded activity. The updated system would allow for quicker identification and retrieval of stored material through any licensed workstation on the network. Also, previous recordings could be viewed without the necessity of taking the recording system off-line as is currently required. The upgrade of this system will save personnel time and provide a more complete picture for security purposes of certain activities taking place on the Airport. It is necessary to contract with STG for the acquisition of this electronic equipment so that it can be added to the existing maintenance agreement.

The proposal is for \$52,986.70 for which funds are available in the current operating budget. Funds are included in future budget years for the maintenance contract cost that will apply after the warranty period.

Motion --  
-- carried

Knight moved that the proposal be accepted and the budget transfers within the current operating budget be authorized. Motion carried 7 to 0.

## AIRPORT

### SUPPLEMENTAL AGREEMENT NO. 5, AIRPARTS COMPANY, INC. – AIRPORT.

Agenda Report No. 00-1222.

This agreement expires December 31, 2000. The space has been leased by Airparts since January 1, 1996, and the tenant has expressed an interest in extending the agreement for one additional year through December 31, 2001. The leased area includes 2,504 sq.ft. of exclusive-use space and 168 sq.ft. of joint-use space. The remainder of the facility, which includes 9,006 sq.ft. of warehouse space, is leased by Rockwell Collins.

Both the office and warehouse spaces were appraised by the Martens Companies on December 14, 1998. At that time, the rate of \$2.75/sq.ft. per year was recommended for office space occupied by Rockwell Collins through February 28, 2002. Based upon that assessment, it is recommended that the rate of \$2.75 per sq.ft. be continued for Airparts as well, through their one-year extension in 2001. The land rental rate for the facility will be according to WAA policy and will escalate 5% from the previous year.

Revenue to the WAA for the one-year period will be \$9,703.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## AIRPORT

### BAX GLOBAL – CARGO BUILDING AGREEMENT – AIRPORT.

Agenda Report No. 1223.

BAX Global is one of 15 tenants that occupy the 31,500 sq.ft. cargo building on Wichita Mid-Continent Airport. When the new cargo building agreements were entered into, BAX elected to pay a higher sq. ft. rental rate in consideration for the WAA allowing them to enter into a month-to-month lease arrangement. Included within the lease agreement is a 30-day cancellation provision for either party.

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Changes in BAX's operations in Wichita have resulted in cargo being transported primarily by ground transportation as opposed to air transportation. Consequently, BAX's needs are better met in warehouse space off airport. The agreement with the WAA will terminate December 31, 2000.

The space currently occupied by BAX is 1,200 sq.ft. Airport staff will contact representatives of companies who have previously expressed an interest in leasing the space, and advise them of its availability. Additionally, notice will be given to existing tenants.

Motion --  
-- carried

Knight moved that the document advising the WAA of BAX's intention to cancel the lease effective December 31, 2000, be received and filed. Motion carried 7 to 0.

## AIRPORT

### AIP GRANT 3-20-0088-26AMENDMENT AND REFUND – AIRPORT.

Agenda Report No. 00-1224.

The Wichita Airport Authority entered into a grant agreement with the FAA on March 1, 1999 in the amount of \$1,361,296 for the Terminal Building Concourse Remodel and for the purchase of a de-icing vehicle. The FAA has reimbursed funds in the amount of \$126,729 for the Terminal Building Concourse Remodel. A total of \$128,349 has been reimbursed for the purchase of the de-icing vehicle.

It is the FAA's policy to issue grants for projects for which the costs and work items are clearly defined, and for those that will be completed without undue delay. In that the Terminal Building Concourse project is being re-evaluated, additional time is required to move this project forward. Consequently, the FAA is requiring that \$126,729 be returned at this time. Once the refund is made, the FAA will forward a grant amendment to the WAA which will redefine the items funded in the grant to include only the de-icing vehicle.

The refunded amount of \$126,729 and the remaining grant amount of \$1,106,218 will be used on future FAA eligible projects for the WAA.

Motion --  
-- carried

Knight moved that the refund and Grant amendment be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## AIRPORT

### SUPPLEMENTAL AGREEMENT NO. 1, LEARJET INC., CUSTOMER SERVICE FACILITY – AIRPORT.

Agenda Report No. 00-1225.

The original Customer Service Facility was constructed and leased in 1980. When the facility was expanded in 1995, both parties agreed that the ten-year lease option to renew on the original facility should be exercised. The 1980 agreement allows for the option to be exercised at 50% of the fair market rental value, not including land rental.

When new facilities are constructed on the airport, the WAA enters into a land lease with the tenant. The term of a lease agreement generally coincides with the amortization of bonds used to finance the construction of the facility. During the time the facility is being paid for, only land rent is paid to the WAA. In most instances options to renew are included within the original agreement, with the provision that when the option is extended that, in addition to land rent, facility rental will be charged. The initial agreement with Learjet was through July 1, 2000. As mentioned above, the first ten-year option was exercised by supplement on April 3, 1995.

The facility was appraised by Steve Martens of Grubb & Ellis/Martens Commercial Group in June of this year. Mr. Martens' recommendation for the current fair market rental value of the facility will yield \$30,400 per month, and land rental in the amount of \$3,750 per month. Total annual revenue to the WAA is \$409,800. This compares to a past annual revenue of \$41,250, representing a significant revenue increase.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.



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## AIRPORT

### PURCHASE OF SNOW REMOVAL UNIT – AIRPORT.

Agenda Report No. 00-1226.

Included in the 2000 Capital Improvement Program is a project to purchase a multi-purpose snow removal unit, which includes a snow blower, runway broom and airblast system. This equipment replaces a 1962 rotary blower unit, which is in poor mechanical condition.

Reliability of equipment is critical during snow removal operations. Replacement of the 38-year old rotary blower unit with the new unit will result in significant improvements to the snow removal operations. The new equipment includes additional safety features, and will operate more efficiently and economically.

Estimated cost of the equipment is \$425,000. AIP Federal Grant funds have been accepted to reimburse 90% of eligible expenditures. The matching funds will ultimately come from Passenger Facility Charge collections, although airport revenues will provide interim funding.

Motion --  
-- carried

Knight moved that purchase of equipment be approved and Staff be authorized to solicit bids. Motion carried 7 to 0.

## AIRPORT

### NATURAL GAS SERVICE – AIRPORT.

Agenda Report No. 00-1227.

The Wichita Airport Authority (WAA) owns the natural gas distribution system on Mid-Continent Airport. Tenants are re-billed for their use of the system and their use of natural gas which is purchased at a volume discount and resold to them at a wholesale price. On May 9, 2000 the WAA approved an Agreement for Sale or Transportation of Industrial Gas or Commercial Gas with Kansas Gas Service (KGS).

This Addendum establishes the following:

- ? Changes date of contract from March 1, 2000 to February 29, 2020 to twenty years from the first day of the month following the first date deliveries of gas are received through the new master meter being constructed.
- ? Clarifies the responsibility for payment of construction costs.
- ? Designates Kansas Gas Service Company as the sole provider for design, construction, and operator services on gas mains and service lines owned by the Wichita Airport Authority.

The Kansas Corporation Commission has recommended the above clarifications. The recommended changes do not provide any impact to the Wichita Airport Authority not previously anticipated in the original agreement.

Motion --  
-- carried

Knight moved that the execution of the Addendum be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## AIRPORT

### AIRFIELD PAVEMENT – AIRPORT.

Agenda Report No. 00-1228.

Airfield pavement construction and reconstruction at Mid-Continent Airport is planned in accordance with the pavement replacement program. The South Cargo Apron was constructed in 1969, and the Air Cargo Service Road was constructed in 1975. Both are in need of repair due to age and deterioration. Taxiway "A", which was constructed in 1974, is also in need of reconstruction due to age and deterioration. It is planned to extend the Air Cargo Service Road, which is used to transport cargo between the north and south cargo aprons. The construction of Taxilane "AAA" is planned to provide additional capacity.

The South Cargo Apron and Air Cargo Service Road projects are included in the revised 2001 Capital Improvement Program. The construction of Taxilane "AAA" and the Reconstruction of Taxiway "A" are scheduled for design and construction in the 2002 and 2003 revised Capital Improvement Program, but should be initiated for study and design in 2001 to best prepare for receiving FAA Funding. Replacement of airfield signage and windsocks will also be incorporated into the projects. In order for the FAA to better allocate funding, the FAA

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requests plans and specifications to be completed and construction bids be taken before a grant is written for the identified projects.

The total cost for design and construction of the South Cargo Apron, Cargo Road Rehabilitation, and Air Cargo Service Road Extension is estimated at \$808,150. The study and design for Taxiway "AAA" and Taxiway "A" is estimated at \$487,400. Ultimate funding for the projects will be from AIP Federal Grant funds and Passenger Facility Charges. Airport revenue will be used as interim funding for the design. Construction will not begin until the award of federal funds.

Motion --  
-- carried

Knight moved that projects be approved and the Staff Screening and Selection Committee be authorized to select Design Engineers. Motion carried 7 to 0.

## AIRPORT

### AGREEMENT – U.S. DEPARTMENT OF AGRICULTURE – AIRPORT.

Agenda Report No. 00-1229.

The U. S. Department of Agriculture/Wildlife Services assists public and private agencies in the control of wild animals and birds injurious to agriculture, horticulture, forestry, animal husbandry, wildlife, property, and public health and safety. Wildlife Services (WS) also provides assistance to the FAA in resolving wildlife hazards to aviation, thus enhancing public safety. Based upon a study conducted by WS in 1998 on Wichita Mid-Continent Airport, it was noted that additional study needed to be completed, and that further measures should be developed to protect Mid-Continent Airport from occurrence of these types of hazards.

WS has prepared a cooperative services agreement to collect biological assessment information, provide periodic wildlife damage management training to Airport personnel and assist Airfield Operations and Maintenance personnel by responding directly to known wildlife nuisances and hazards. The objective/goal is to provide a year-long wildlife hazard analysis and develop a final report consisting of wildlife species found within the airport environment, wildlife abundance, seasonal wildlife population trends, peak usage periods, special hazard zones, environmental and man-made habitat factors that encourage wildlife, management recommendations, and the legal status of problem species. This information will be compiled for both Mid-Continent and Jabara Airports.

The cost estimate for the services provided is \$35,000. This amount includes personnel costs as well as supplies and materials. One specialist will be assigned to the project for approximately 28 hours per week. Work hours will vary to most appropriately address wildlife damage management problems. Funds are included in the operating budget.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## AIRPORT

### SUPPLEMENTAL AGREEMENTS: CESSNA AIRCRAFT COMPANY AND RAYTHEON AIRCRAFT SERVICES, INC. – AIRPORT.

Agenda Report No. 00-1230.

The Wichita Airport Authority currently has two leases with the Cessna Aircraft Company relating to the provision of fixed base operator services through Yingling Aircraft, Inc. One of the leases terminates December 31, 2000, and the other agreement terminates July 31, 2000. Yingling is in the process of making renovations to Hangar 1 and plans to use bond financing to do the improvements.

The Wichita Airport Authority also has an agreement with Raytheon Aircraft Services for the provision of fixed base operator services. This agreement is through April 30, 2019, however, calls for a review of rental rates on certain portions included in the lease as of December 1, 2000. This facility (Hangar 2) is in the process of being appraised by Steve Martens of Grubb & Ellis/Martens Commercial Group.

Preparation of a new lease agreement and bond documents for Yingling are forthcoming, and will be brought to City Council for their review and approval in the near future. The supplemental agreements which have been prepared will extend both agreements until the bond agreement is in place, and will allow for any rental increases to be retroactive to the new start dates. The supplement for Raytheon also includes the provision to make the rental rates retroactive.

The new lease with Cessna and the amended lease with Raytheon will result in retroactive rates.

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Motion --  
-- carried

Knight moved that the Agreements/Contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## EXECUTIVE SESSION

Motion --  
  
-- carried

Knight moved that the City Council recess at 11:15 and move into executive session at 11:30 to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation and legal advice; personnel matters of non-elected personnel; preliminary discussions relating to the acquisition of real property for public purposes; and confidential data relating to the financial affairs or trade secrets of a business; and that the Council return to regular session at approximately 1:25 p.m. Motion carried 7 to 0.

## RECESS

The City Council recessed at 11:15 a.m. and returned at 1: 40 p.m.

Vice Mayor Lambke

Vice Mayor Lambke announced that no action was necessary as a result of the executive session.

## ADJOURNMENT

The City Council meeting adjourned at 1:40 p.m.

Pat Burnett CMC  
City Clerk